

L16.3
no. 26

Industrial Home-Work Legislation and Its Administration

Bulletin No. 26



UNITED STATES DEPARTMENT OF LABOR
DIVISION OF LABOR STANDARDS

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FRANCES PERKINS, *Secretary*

DIVISION OF LABOR STANDARDS

VERNE A. ZIMMER, *Director*

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United States
Government Printing Office
Washington : 1939

Contents

	Page
Industrial home-work legislation and its administration-----	1
Industrial home work-----	1
Difficulties of regulation-----	2
Attempts at legal regulation-----	3
Administration-----	5
Interstate shipment of industrial home work-----	6
Federal Fair Labor Standards Act in relation to industrial home work-----	8
Suggested language for State industrial home-work legislation-----	9
Conference of State industrial home-work law administrators-----	10
Summary of industrial home-work laws and regulations-----	11
Industrial home-work laws and regulations-----	51
Appendix: Suggested language for a State bill to regulate and tax industrial home work-----	125

Letter of Transmittal

UNITED STATES DEPARTMENT OF LABOR,
DIVISION OF LABOR STANDARDS,
Washington, March 1, 1939.

MADAM: I have the honor to transmit herewith a summary of State industrial home-work laws and regulations, together with a brief outline of the problems of regulation.

State industrial home-work law administrators have expressed their need for clearance of information on legislation and on administrative practice in this field where the problems are difficult and complex. Frequent requests for information on industrial home-work legislation and on its administration come to the Division from interested union groups and social agencies in the States. This bulletin has been prepared by A. Louise Murphy, of the Division's staff. With a view to most effective use, it has been compiled in loose-leaf form to permit revision and expansion with developing experience.

Respectfully submitted.

VERNE A. ZIMMER, *Director.*

HON. FRANCES PERKINS,
Secretary of Labor.

Industrial Home-Work Legislation and Its Administration

Industrial Home Work

The distribution of manufacturing work to be done in private homes has persisted in this country in spite of all efforts to control it. The inherent abuses of the practice are many. The employer, by giving out industrial home work, is able to expand or contract his working force at short notice without the responsibility, or the expense, of maintaining throughout the entire year factory space and equipment to meet the demands of a peak load. Thus he avoids the responsibility for overhead costs of production—for rent, lighting, heat, and, in some industries, even for machinery and findings.

The industrial home worker, on the other hand, must provide work space in his or her own home. If the process requires it, she must furnish her own sewing machine and pay for repairs. She must buy needles with which to sew, oil for greasing the machine, thread, and other incidentals, which the employer now provides without question when the work is performed in a factory. Frequently she is required to call for the work and to return it to her employer, thus adding the cost of transportation to the expenditures, which have already eaten materially into her meager earnings.

There are times during dull periods when home workers have no work whatsoever in their homes. On the other hand, when the busy season comes, frequently the time allowed for finishing the products is so short that it is only by working long, tedious hours and sometimes far into the night that the home worker is able to comply with the demands of the employer. Women—many of them housewives with the responsibilities of home and family also to meet—constitute a large proportion of those who perform factory work in their homes, but frequently the completion of the allotment becomes a family affair, and all available hands, including those of young children, are put to the task of performing the work.

Rates paid for home work are practically always less than those paid the factory worker, and the earnings of home workers, even for full-time employment, are, in most instances, pitifully low. Many families whose members are employed by industry to work in their homes have been carried on the public relief rolls.

The savings accruing to the home-work employer make it difficult, and in some instances impossible, for his competitor who produces in a factory to maintain fair standards of hours, wages, and working conditions.

As recent experience has disclosed, however, the home-work employer himself shares in the damaging results of the home-work system. The following is quoted from the 1934-36 report of the Connecticut Department of Labor and Factory Inspection, in which some of the results of the 1935 prohibitory law are discussed:

Apparently industry has made the adjustment to the new regulations without major difficulties. Basically, this must be due to the fact that home manufacture is an outmoded means of production; the modern factory method has proved more efficient than these residual instances of home work, as it did in the manufacture of many other products where home labor was abandoned generations ago. It is probable that some increase in production costs has resulted in certain plants, especially those which paid the lowest wages. However, several employers have told the department investigator that they now prefer to have all the work done in the factory because it is performed far more efficiently there.¹

Difficulties of Regulation

For more than a century industrial home work has been recognized in this country as a social and economic evil. No industrial practice has called more clearly for legal regulation. Its abuses—the exploitation of the workers engaged in the practice, the direct competition with factory production and the undercutting of factory standards, the use of public relief funds to bring the home worker's income to a subsistence level, the employer's evasion of his responsibilities under the law through resorting to home work—are important factors which make strict control essential. Industrial home work, however, has defied attempts at regulation.

The reasons for the difficulties of regulation are obvious. The relation between employer and home worker, and even the actual distribution of the goods, are frequently difficult to trace. The worker may live near the plant or at a great distance. She may live in an entirely different part of the same State, in a remote rural district, or even in another State than that in which her employer has his place of busi-

¹ Report of Department of Labor and Factory Inspection, State of Connecticut, 1934-36, p. 37.

ness. She may call for work directly at the plant, or it may reach her through a contractor or a series of contractors, or by truck or express, or through the mails. At times the worker does not even know the name of the employer or firm from whom she obtains her work.

For purposes of enforcement, it has been found virtually impossible to ascertain the exact hours worked by industrial home workers or whether children are helping to complete the assignments. In most instances, attempts to enforce minimum-wage rates with respect to industrial home work have been without avail, particularly in the highly industrial States in which home work has been firmly entrenched for many years. Frequently the home-work operations are not identical with those in the plant, and a separate investigation becomes necessary before rates may be set. In addition, many of the home-work industries are also so-called style industries, and often it has been impossible to determine and apply the rates quickly enough to meet the rapid changes in style and fashion that are characteristic of these industries.

Experienced administrators of home-work legislation, as well as organized labor, are of the opinion that if its abuses are to be eliminated, the home-work system itself must be abolished.

Attempts at Legal Regulation

Limited attempts to regulate industrial home work by law were made in this country during the latter part of the nineteenth century, and today 19 States,² the District of Columbia, and Puerto Rico have laws or regulations which, to some extent, expressly prohibit or attempt to regulate the performance of industrial work in private homes. In the case of Ohio, however, the regulations apply only when outside workers who are not immediate members of the family living in the home engage in work therein. For the use of those who wish to inform themselves of existing home-work regulations, the principal features of existing legislation and of regulations and orders issued pursuant thereto have been summarized for ready reference and, together with the complete text, appear on the following pages.

For the most part earlier measures have proved ineffective in meeting the frequent abuses and complexities of the home-work practice. Almost without exception, they were aimed at the tenement sweatshop, where family and neighbors gathered to perform work sent in from factories. In a number of instances, they limited the workers to members of the family living in the place where the work was performed,

² California, Colorado, Connecticut, District of Columbia, Illinois, Indiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, West Virginia, Wisconsin, and Puerto Rico.

and attempted to protect the consuming public by regulating the sanitary conditions under which such articles as wearing apparel, or accessories, or tobacco products were manufactured. Most of the earlier laws failed to cover all kinds of industrial work which is sent into homes and all places where home work is carried on. They failed utterly to meet such abuses as long hours, low wages, the employment of young children, the unfair competition with factory production. Only comparatively recent legislative action, indeed, has attempted to face the home-work practice squarely as a competitive method of industrial production.

Under the National Recovery Administration great gains were made where codes prohibited the giving out of industrial home work, and both before and after the passing of the codes interest in legislation to consolidate and preserve these gains developed.

In 1935 New York passed a new home-work law prohibiting industrial home work in certain specified industries and making further prohibition possible by order of the Industrial Commissioner whenever home work is found to endanger the labor standards for factory workers in the industry or the health and welfare of home workers.

Prior to this date two States, New York and New Jersey, had moved to prohibit by statute industrial home work in a few industries in which obvious health hazards existed, and Oregon, under its general authority to regulate the conditions of employment of women and minors, had by order forbidden employers to send any work in the needlecraft occupations into private homes, insanitary basements or buildings, or places unsafe on account of fire risks.

The passage of the New York law in 1935 was followed by the enactment in Connecticut, also in 1935, and in Rhode Island in 1936 of legislation which likewise looks toward the eventual elimination of the home-work practice in those States. In 1937 home-work legislation was introduced in 10 States. As a result, Connecticut materially strengthened its recent enactment; and Massachusetts and Pennsylvania passed laws, not only prohibiting home work in certain listed industries, but, like New York, also authorizing their State departments of labor to prohibit home work elsewhere whenever it is found to be detrimental to the home workers themselves or to jeopardize the labor standards in the industry. Illinois outlawed home work in a few specific industries but failed to make further prohibition possible, except as it may be brought about indirectly by requiring employers who wish to give out industrial home work to obtain annual licenses for which substantial, graduated fees, based on the number of home workers, are prescribed. Texas adopted a measure that is similar in form to the new pro-

ness. She may call for work directly at the plant, or it may reach her through a contractor or a series of contractors, or by truck or express, or through the mails. At times the worker does not even know the name of the employer or firm from whom she obtains her work.

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² California, Connecticut, Illinois, Indiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, and Wisconsin.

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The passage of the New York law in 1935 was followed by the enactment in Connecticut, also in 1935, and in Rhode Island in 1936 of legislation which likewise looks toward the eventual elimination of the home-work practice in those States. In 1937 home-work legislation was introduced in 10 States. As a result, Connecticut materially strengthened its recent enactment; and Massachusetts and Pennsylvania passed laws, not only prohibiting home work in certain listed industries, but, like New York, also authorizing their State departments of labor to prohibit home work elsewhere whenever it is found to be detrimental to the home workers themselves or to jeopardize the labor standards in the industry. Illinois outlawed home work in a few specific industries but failed to make further prohibition possible, except as it may be brought about indirectly by requiring employers who wish to give out industrial home work to obtain annual licenses for which substantial, graduated fees, based on the number of home workers, are prescribed. Texas adopted a measure that is similar in form to the new pro-

hibitory enactments, but which places the whole control of the home-work practice upon a health basis and lodges enforcement within the State Board of Health. In addition, bills of the prohibitory type passed one house in New Hampshire, New Jersey, and West Virginia.

Administration

Acting under the authority of its 1935 law, New York has recently put into effect its third prohibitory order. The first prohibited home work in men's and boys' outer clothing, including merchant tailoring; the second, in the men's and boys' neckwear industry; and the third, in artificial flowers and feathers. Each of the orders was issued only after investigation by the Department of Labor and a public hearing at which employers, home workers, and other interested parties had an opportunity to be heard. In each instance special provision was made for aged or handicapped home workers. Rhode Island has included a home-work prohibition in each of its two minimum-wage orders applying to the jewelry manufacturing industry and to the manufacture of wearing apparel and allied products. Oregon, acting under a general authority to control the conditions under which women and minors are employed, has moved to prohibit industrial home work in the needlecraft occupations. California, acting under a similar authority, requires home-work employers in the manufacturing and nut-cracking and sorting industries to secure licenses and to keep records, and forbids their giving out home work to women and minors employed in their regular places of business.

With full realization that the only real solution of the many problems arising from the home-work practice lies in its ultimate abolition, a number of the States in the meantime are taking steps to remove as many of its unfair competitive advantages as possible, hoping in this way to remove a part of the incentive to its continued practice and to hasten its complete elimination. Wisconsin, a State where home work had not become firmly entrenched, has found that the application of minimum-wage rates from the very outset has been effective in preventing the growth of the home-work practice. Rhode Island, Massachusetts, and New York, under its prohibitory orders, require that the home worker be paid at the same rate as the factory worker; and Massachusetts, in addition, has ruled that the minimum wages established by its Minimum Wage Commission apply. Connecticut, which, since the passage of its new law in 1935, has reduced the number of its known home workers from 7,000 to 123 now operating under special certificates, is attempting to enforce a flat 25-cent minimum hourly rate in these special cases.

Many of the new State laws establish a minimum age, frequently 16 years, for home workers, and Wisconsin, in its new child-labor laws of 1938, lists industrial home work as one of the occupations which are prohibited to minors under the age of 18 years. Massachusetts, by regulation, has provided for hearing and special permission from the Department of Labor and Industries before a home-work certificate is granted to any minor between the statutory minimum age of 14 years and 18 years.

A number of States are applying their workmen's compensation laws, as well as their unemployment compensation laws, to industrial home workers, and New York reports that not infrequently the insurance carriers are refusing to re-insure these workers upon the expiration of the original contract. In New York, the application of workmen's compensation to industrial home work has been upheld in the courts, and recently the New York Unemployment Insurance Appeal Board affirmed the Deputy Commissioner's ruling that employers must contribute to the unemployment insurance fund for industrial home workers on the same basis as in the case of other employees.

Connecticut has found publicity an effective weapon in discouraging the illegal distribution of industrial home work.

Several States limit, by statute, the hours worked by home workers to those established by law for regular manufacturing employees. Massachusetts, in its administrative regulations, requires that the combined hours of home workers, who also work in the factory, be limited to 9 a day and 48 a week in both places. In its minimum-wage orders applying to the manufacturing and nut-cracking and sorting industries, California forbids employers to give home work to women and minors employed in their plants. Other States attempt to control the hours worked by home workers by limiting the amount of work that may be given to them at any one time. Several States require the employer to deliver and call for the work without cost to the home worker.

New Jersey insists that out-of-State employers who wish to send work to New Jersey home workers designate local distributors to represent them, hoping in this way to facilitate the application of the State's home-work regulations.

Interstate Shipment of Industrial Home Work

As significant as is the growing interest in improved home-work legislation and in its effective administration, the individual State law fails completely to solve the problems that arise when industrial home work is distributed across

State lines. Each year large quantities of home-work materials are sent by truck, express, through the mails, or through local agents or distributors, to hundreds, if not thousands, of home workers living in other States. New York is the chief source of the industrial home work that crosses State lines, although there is a substantial interchange of materials between New Jersey and Pennsylvania. The home workers who perform this work are widely scattered in a great many States. In view of the widespread agreement that home work as a method of industrial production must go and of the current enactment in a number of States of legislation looking toward its local elimination, this tendency to perpetuate itself by reaching out into other communities is especially significant. Its threat to States having little or no regulation of industrial home work, and to States where home work has been virtually unknown heretofore, is obvious.

No single State law alone can hope to control this feature of industrial home work. For this reason, recent meetings of State labor-law administrators and representatives of organized labor have urged the prompt enactment in all States and by the Federal Congress of legislation that anticipates the abolition of the home-work system. The following reports were adopted at the Second and Fourth National Conferences on Labor Legislation, respectively:

**REPORT OF COMMITTEE ON INDUSTRIAL HOME WORK*
ADOPTED BY SECOND NATIONAL CONFERENCE ON LABOR
LEGISLATION, OCTOBER 4-5, 1935**

Evidences are now available that various processes in some 75 or more manufacturing industries are being given out to be done in homes, that such work is carried on in practically every State in the Union, and that the wages paid and the conditions under which the work is done constitute a serious undermining of labor standards, of which the labor authorities in the various States are aware and about which they are greatly concerned.

The committee agrees that the only way to control these growing evils of industrial home work is by its complete abolition.

The committee recommends as the best method of reaching this goal the enactment of State legislation that will control and ultimately abolish the giving out of work to be done in homes.

The committee recommends as essential points to be covered in the legal regulation of industrial home work the following:

1. Every employer, contractor, and distributor giving out home work must obtain annually a license, for which he shall pay such fee as the State requires. He must furnish to the enforcing authority complete and current registers of all home workers.
2. Every home worker should be required to obtain a certificate permitting him or her to do home work.

* Proceedings of the Second National Conference on Labor Legislation, October 4-5, 1935, Bulletin No. 3, Division of Labor Standards, p. 71.

3. State labor laws such as minimum wage, hours of work, child labor, wage collection, workmen's compensation, and others shall apply to industrial home work.

4. Every employer giving out home work shall be required to keep a record of the wages paid to each worker and the amount of work done by such worker.

In order to prevent undue hardship in the abolition of industrial home work, the committee recommends that such work be limited to persons physically handicapped or those responsible for the care of persons totally disabled.

Since one of the aspects of home work makes State control more difficult—namely, the sending of goods for home-work manufacture across State lines, and since there is evidence that this practice is increasing—the committee recommends that the United States Department of Labor be asked to continue to investigate the extent and nature of the passage of home-work goods in interstate commerce and explore the possibilities of Federal legislation to control this practice.

RESOLUTION ON INDUSTRIAL HOME WORK⁴ ADOPTED BY FOURTH NATIONAL CONFERENCE ON LABOR LEGISLATION OCTOBER 25-27, 1937

Whereas, Industrial home work exploits the workers engaged in the practice, undermines the employment standards in competing factories, jeopardizes the health of the workers and the public, and is a means of evading wage, hour, and child-labor regulations; and

Whereas, A number of States have already enacted legislation which makes the prohibition of industrial home work possible; and

Whereas, Already large quantities of home-work materials are being shipped across State lines, and one result of this prohibitory type of State legislation may be the further spread of industrial home work into States not yet faced with the problem; therefore, be it

Resolved, That the Fourth National Conference go on record in favor of the elimination of industrial home work and urge the rapid enactment of home-work legislation of the prohibitory type by States not already having such laws; and be it further

Resolved, That the United States Congress be urged to enact legislation controlling industrial home work in interstate commerce in the United States, its territories, and possessions, which clearly looks toward the ultimate elimination of the practice.

For more than 2 years a number of States have been reporting to each other cases involving the interstate shipment of industrial home work, and have sent copies of all such reports to the Division of Labor Standards, United States Department of Labor, which has served as a clearing house for information on this subject. This exchange of information has proved very helpful to the States in their efforts to locate and regulate the performance of industrial home work.

Federal Fair Labor Standards Act in Relation to Industrial Home Work

On June 25, 1938, the Fair Labor Standards Act became law. This act provides for minimum wages and regulates

⁴ Proceedings of the Fourth National Conference on Labor Legislation, October 25-27, 1937, Bulletin No. 18, Division of Labor Standards, p. 122.

the hours of employment in industries engaged in interstate commerce or in the production of goods for interstate commerce. It also includes provisions affecting the employment of children. While containing no express reference to industrial home work, the law makes no exception for this method of manufacture, and the Administrator of the Wage and Hour Division, United States Department of Labor, has stated in Interpretative Bulletin No. 1, "since the Act contains no prescription as to the place where the employee must work, it is evident that employees otherwise coming within the terms of the Act, are entitled to its benefits whether they perform their work at home, in the factory, or elsewhere." Special regulations applying to the keeping of records with respect to industrial home work have been issued. See pages 49 and 123.

Suggested Language for State Industrial Home-Work Legislation

Following the Second National Conference on Labor Legislation at Asheville, N. C., in 1935, the Secretary of Labor asked a committee of State labor-law administrators to prepare a bill that might be of use to States contemplating revision of existing home-work laws or the introduction of new legislation. This bill, which was subsequently endorsed by the Third National Conference on Labor Legislation and by the International Association of Governmental Labor Officials, has been the basis for much of the home-work legislation that has been introduced during the last 2 years. The bill makes the original employer who initiates the home-work process and for whom the work is really done responsible for the conditions under which the work is performed. It requires every employer who sends work into homes to secure from the State department of labor a permit that may be revoked whenever the conditions of manufacture are found to be in violation of certain set standards. A graduated fee for this permit is provided.

If the employer lives in one State and the home worker in another, the local contractor distributing the work is held responsible as though he himself were the employer. The bill completely prohibits home work on certain commodities and empowers the State labor commissioner after investigation and public hearing to prohibit home work in any industry in which it is found to be injurious to the health and welfare of the home workers themselves or to jeopardize factory standards. In a further effort to equalize the competitive advantages of the home-work employer, a graduated tax, based upon the number of home workers employed, is provided.

The language of the suggested bill appears in full in the appendix.

Conference of State Industrial Home-Work Law Administrators

Following the recommendations of the Third National Conference on Labor Legislation, the First Conference of State Industrial Home-Work Law Administrators met in Washington on June 16, 1937, at the invitation of the Secretary of Labor, to exchange experience and plans for the enforcement of home-work legislation, with especial reference to the more recent prohibitory type of law. This meeting represented the first occasion when those who are actually engaged in enforcing State home-work laws had come together for the purpose of discussing mutual problems of enforcement and effective methods of administration. A second meeting of the Conference was held on February 11, 1938. Subsequent meetings will be held from time to time. The conference provides opportunity for continued exchange of experience arising in the enforcement of the home-work laws, and has been found particularly helpful during this early period when experience under the new type of legislation is limited and the matter of effective administrative techniques is still in a formative period.

* * * * *

It is likely that each successive legislative year will see continued effort to secure additional and more effective industrial home-work legislation. With this thought in mind, this bulletin has been prepared in loose-leaf form so that changes and additions may be made regularly and promptly as home-work laws are revised or enacted.

Summary of Industrial Home-Work Laws and Regulations

The following outlines are intended to set forth in some detail the principal features of existing industrial home-work legislation, together with regulations and orders issued pursuant thereto or to some more general legislative enactment. In each case the items are limited to the provisions that apply expressly to industrial home work. They do not include administrative procedure resulting from interpretation or application of other labor laws—e. g., child labor, hours, minimum wage, unemployment compensation, workmen's compensation—unless such laws are expressly applied to industrial home work either by statutory provision or by formal regulation of the enforcing agency.

CALIFORNIA

Application of law.

Manufacture in a home of articles for an employer to be returned to him, *unless* for personal use of employer or member of his family.

"Home" is defined to mean "any room, house, apartment, or other premises, whichever is most extensive, used in whole or in part as a place of dwelling."—*Deering's Codes, 1938, Labor Code, sections 2650-2668* (added to Labor Code by Chapter 899, Laws of 1939).¹

Work prohibited.

Law expressly prohibits home work on articles of food or drink; articles for use in connection with the serving of food or drink; articles of wearing apparel for use of children 10 years of age or under; toys and dolls; tobacco; drugs and poisons; bandages and other sanitary goods; explosives, fireworks, and articles of like character.

Law also authorizes Division of Industrial Welfare to prohibit by order industrial home work in any industry in which it finds that home work injures health and welfare of home workers or renders unduly difficult maintenance of existing labor standards or enforcement of those established by law or regulation for factory workers, but permits Division to allow home work by certain handicapped home workers in the industry.

Licensing.

Employer, or his agent if employer is not resident of State, must secure annual permit, for which fee of \$50 is charged. *Home worker* must secure annual certificate.

Permit or certificate may be revoked or suspended for violation of law or of permit or certificate.

Persons who may do home work.

Home worker's certificate is valid only for applicant working in own home. Certificate may not be issued to person having communicable disease.

Employer, or subcontractor in manufacturing industry may not give home work to woman or minor employed at his place of business.—*Industrial Welfare Commission Order No. 11 A, 1923, issued pursuant to Statutes of California, 1913, chapter 324, as amended* (*Deering's Codes, 1938, Labor Code, sections 1171-1203*)

See also *Child Labor*.

Child labor.

Minimum age, 16 years, except in case of children 15 years of age who have completed seventh grade. Child of 14 may work outside school hours or for limited period if he has completed elementary school course and his earnings are needed for family support. Child of 12 may work during vacation and on weekly school holidays.

Minimum wage.

No express provision in home-work law.

¹ Applies to all provisions except as otherwise specified.

Maximum hours.

No express provision in home-work law.

Other working conditions.

Home worker's certificate may not be issued to person living in home which is not clean and free from communicable disease.

Records.

Employer must keep record of names, addresses, and earnings of home workers, of articles manufactured by them, of agents or contractors to whom he has furnished home work, and of all persons from whom he has received home-work materials.

Employer in manufacturing industry must keep record of names and addresses of women and minor home workers, amount paid each worker, amount of work performed, and piece rates paid.—*Industrial Welfare Commission Order No. 11A, 1923, issued pursuant to Statutes of California, 1913, chapter 324, as amended (Deering's Codes, 1938, Labor Code, sections 1171-1203.)*

Labels.

Employer is required to label home-work materials with his name and address, in English.

Enforcing agency.

Division of Industrial Welfare, Department of Industrial Relations, 515 Van Ness Avenue, San Francisco; State Building, Los Angeles.

ADDITIONAL AUTHORITY GRANTED THE INDUSTRIAL WELFARE COMMISSION

Application of law.

Law grants Industrial Welfare Commission authority to issue orders regulating conditions of employment of women and minors in any occupation, trade, or industry.

Industrial Welfare Commission orders applying to (1) manufacturing industry and (2) nut-cracking and sorting industry contain express home-work provisions applying to work performed by women or minors outside employer's place of business.—*Industrial Welfare Commission Orders Nos. 11A and 15A, 1923, issued pursuant to Statutes of California, 1913, chapter 324, as amended (Deering's Codes, 1938, Labor Code, secs. 1171-1203).*¹

Work prohibited.

Industrial home work not prohibited in any specific industry.

Licensing.

Employer must secure permit from Industrial Welfare Commission.

Persons who may do home work.

Employer, or subcontractor, may not give home work to woman or minor employed at his place of business.

See also *Child labor*.

Child labor.

Minimum age, 15 years for work in or in connection with manufacturing establishment, if child has completed seventh grade, except that child of 14 may work outside school hours or if he has completed elementary school course and his earnings are needed for family support. Child of 12 may work during vacation and on weekly school holidays. By definition, "work is done for a manufacturing establishment * * * whenever it is done at any place upon the work of a manufacturing establishment * * *."—*Deering's Codes, 1938, Labor Code, sections 1290-1291; School Code, sections 1.171-1.172, 1.177, 1.179, 1.273, 1.280.*

Minimum wage.

No express application of minimum-wage provisions to industrial home work in either order.

Maximum hours.

No express application of maximum-hours provisions to industrial home work in either order.

Other working conditions.

No further express provisions in either order.

Records.

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¹ Applies to all provisions listed except as otherwise specified.

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Division of Industrial Welfare, Department of Industrial Relations, 515 Van Ness Avenue, San Francisco; State Building, Los Angeles.

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See also *Child labor*.

Child labor.

Minimum age, 15 years for work in or in connection with manufacturing establishment, if child has completed seventh grade, except that child of 14 may work outside school hours or if he has completed elementary school course and his earnings are needed for family support. Child of 12 may work during vacation and on weekly school holidays. By definition, "work is done for a manufacturing establishment * * * whenever it is done at any place upon the work of a manufacturing establishment * * *."—*Deering's Codes, 1938, Labor Code, sections 1290-1291; School Code, sections 1.171-1.172, 1.177, 1.179, 1.273, 1.280.*

Minimum wage.

No express application of minimum-wage provisions to industrial home work in either order.

Maximum hours.

No express application of maximum-hours provisions to industrial home work in either order.

Other working conditions.

No further express provisions in either order.

Records.

Employer must keep record of names and addresses of women and minor home workers, amounts paid each worker, amount of work performed, and piece rates paid.

¹ Applies to all provisions listed except as otherwise specified.

Labels.

No express provision in either order.

Enforcing agency.

Division of Industrial Welfare, Department of Industrial Relations, 515 Van Ness Avenue, San Francisco; State Building, Los Angeles.

COLORADO

Application of law.

Law grants Industrial Commission authority to issue orders regulating conditions of employment of women or minors in any occupation, trade, or industry.

Industrial Commission Order No. 2 applying to retail trade occupation, including all selling of merchandise to the consumer, not for the purpose of resale, contains express home-work provision.—*Industrial Commission Order No. 2 applying to Retail Trade Occupation, 1938*, issued pursuant to *1935 Colorado Statutes Annotated, chapter 97, sections 236-256, as amended by chapter 189, Session Laws, 1937, approved April 28, 1937.*¹

Work prohibited.

Order expressly provides that work that can be done at regular place of business may not be performed elsewhere.

Licensing.

No express provision in order.

Persons who may do home work.

No express provision in order.

Child labor.

No express provision in order.

Minimum wage.

No express application of minimum wage provisions of order to industrial home work.

Maximum hours.

No express application of hours provision of order to industrial home work.

Other working conditions.

No express provision in order.

Records.

No express application of records provision of order to industrial home work.

Labels.

No express provision in order.

Enforcing agency.

Industrial Commission, State Office Building, Denver.

¹ Applies to all provisions listed except as otherwise specified.

CONNECTICUT

Application of law.

Processing in a home of materials distributed by any person to be returned to him or someone designated by him, *unless* intended for personal use of such person or member of his family.

"Home" is defined to mean "any dwelling house, tenement house, rooming house, apartment house, or other residential building."—*Cumulative Supplement to General Statutes, 1931-35, sections 905c-908c; Supplement to General Statutes, 1937, section 575d.*¹

Work prohibited.

Law prohibits general distribution of home work, but Commissioner may permit distribution to persons who are physically incapacitated for work in factory or other regular place of business or whose services are required at home to care for member of household; or for simple hand processes in industries in which home work is customary, if he finds suspension of home work would work undue hardship on labor or industry.

Licensing.

Employer must secure certificate for which annual fee of \$25 is charged. *Home worker* must secure permit.

Commissioner may revoke certificate or permit at any time, for cause.

Persons who may do home work.

Permit may be issued only to person living in home where work is performed. See also *Child labor*.

Child labor.

Minimum age, 16 years. See also *Maximum hours* and *Other working conditions*.

Minimum wage.

Rates may not be lower than rates paid for similar work in factory or other place of business.

Maximum hours.

Home work must conform to laws governing hours of women and minors in manufacturing and mechanical establishments.—(See *Supplement to General Statutes, 1937, sections 788d, 790d, 791d.*)

Other working conditions.

No certificate may be issued for work in home in which there is communicable disease. No harmful or dangerous apparatus or substances are to be used.

Home work must conform to law governing working conditions of women and minors in manufacturing and mechanical establishments.

Records.

Employer must keep record of names and addresses of home workers, kind and amount of materials distributed, rates of pay, and total earnings each week of each worker.

¹ Applies to all provisions listed except as otherwise specified.

Labels.

No express provision in home-work law.

Miscellaneous.

Home work is limited to work performed for establishments located in Connecticut.

Enforcing agency.

Commissioner of Labor and Factory Inspection, State Office Building, Hartford.

DISTRICT OF COLUMBIA

Application of law.

Law grants Minimum Wage Board authority.

Minimum Wage Board Order No. 8, applying to women and minors engaged in manufacturing and wholesaling occupations, contains express home-work provision applying to women employed on home-work.—*Minimum Wage Board Order No. 8, 1939*, issued pursuant to *Public, No. 215, Sixty-fifth Congress, 40 Stat. 960*.

Work prohibited.

Industrial home work not prohibited in any specific industry.

Licensing.

No express provision in order.

Persons who may do home work.

No express provision in order.

Child labor.

No express provision applying to children employed on home work in order.

Minimum wage.

Women employed on home work must be paid not less than the minimum wage established for plant workers in order.

Maximum hours.

No express provision in order.

Other working conditions.

No express provision in order.

Records.

Records required by order must be kept by employer for home workers as well as for other workers.

Labels.

No express provision in order.

Enforcing agency.

Minimum Wage Board, 515 D St. NW., Washington, D. C.

ILLINOIS

Application of law.

Processing in a home of articles for an employer to be returned to him, *unless* intended for personal use of employer or member of his family or for use of persons residing in home where work is performed.

"Home" is defined to mean "any building or part of any building where a person regularly resides."—*Laws of Illinois, 1937, "An Act to revise the law regulating industrial home work," filed July 13, 1937 (Senate Bill No. 299).*¹

Work prohibited.

Law expressly prohibits home work on articles of food or drink; drugs or poisons; medical and surgical bandages and dressings, sanitary napkins, and cotton batting; fireworks, explosives and articles of similar character; toys and dolls; tobacco.

Licensing.

Owner of premises must secure annual sanitary permit. Employer, whether or not he has place of business in State, must secure annual permit, for which \$200 is charged first year and for which graduated fee (\$50-\$200), based on number of home workers, is charged thereafter. Home worker must secure annual certificate.

Department of Labor may revoke or suspend permit or certificate for cause.

Persons who may do home work.

Only residents of home who have been certificated may perform industrial home work therein.

Home worker's certificate may not be issued to anyone having communicable disease.

See also *Child labor*.

Child labor.

Minimum age, 16 years.

Minimum wage.

No express provision in home-work law. However, directory minimum wage order applying to women and minors employed in wash-dress industry is specifically applied to home workers.—(*Department of Labor Directory Minimum Wage Order No. 4, applying to Wash-Dress Industry, issued pursuant to chapter 48, section 238 of the Revised Statutes of Illinois, 1935.*)

Maximum hours.

No express provision in home-work law.

Other working conditions.

Sanitary permit may be issued only if there are not less than 40 square feet of floor space and 300 feet of cubic air space for each worker; ventilation provides not less than 2,000 cubic feet of fresh outside air each hour for each worker; workroom is heated when

¹ Applies to all provisions listed except as otherwise specified.

necessary to not less than 70° F.; no part of building is used as workroom if floors and walls are continuously damp or if permeated by noxious and injurious gases or exhalations; workroom is properly lighted.

Records.

Owner must keep register of home workers on his premises. *Employer* must report names and addresses of his home workers every 6 months.

Labels.

No express provision in home-work law.

Enforcing agency.

Department of Labor, State Capitol, Springfield; 205 West Wacker Drive, Chicago.

ILLINOIS

Application of law.

Processing in a home of articles for an employer to be returned to him, *unless* intended for personal use of employer or member of his family or for use of persons residing in home where work is performed.

"Home" is defined to mean "any building or part of any building where a person regularly resides."—*Laws of Illinois, 1937, "An Act to revise the law regulating industrial home work," filed July 13, 1937, (Senate Bill No. 299).*¹

Work prohibited.

Law expressly prohibits home work on articles of food or drink; drugs or poisons; medical and surgical bandages and dressings, sanitary napkins, and cotton batting; fireworks, explosives and articles of similar character; toys and dolls; tobacco.

Licensing.

Owner of premises must secure annual sanitary permit. *Employer*, whether or not he has place of business in State, must secure annual permit, for which \$200 is charged first year and for which graduated fee (\$50-\$200), based on number of home workers, is charged thereafter. *Home worker* must secure annual certificate.

Department of Labor may revoke or suspend permit or certificate for cause.

Persons who may do home work.

Only residents of home may perform industrial home work therein.

Home worker's certificate may not be issued to anyone having communicable disease.

See also *Child labor*.

Child labor.

Minimum age, 16 years.

Minimum wage.

No express provision in home-work law.

Maximum hours.

No express provision in home-work law.

Other working conditions.

Sanitary permit may be issued only if—there are not less than 40 square feet of floor space and 300 feet of cubic air space for each worker; ventilation provides not less than 2,000 cubic feet of fresh outside air each hour for each worker; workroom is heated when necessary to not less than 70° F.; no part of building is used as workroom if floors and walls are continuously damp or if permeated by noxious and injurious gases or exhalations; workroom is properly lighted.

¹ Applies to all provisions listed except as otherwise specified.

Records.

Owner must keep register of home workers on his premises. *Employer* must report names and addresses of his home workers every 6 months.

Labels.

No express provision in home-work law.

Enforcing agency.

Department of Labor, State Capitol, Springfield; 205 West Wacker Drive, Chicago.

INDIANA

Application of law.

Manufacture of coats, vests, trousers, knee pants, overalls, cloaks, furs, fur trimmings, fur garments, shirts, purses, feathers, artificial flowers, or cigars, for sale, in any room or rooms, apartment or apartments in any tenement or dwelling house.—*Burns Annotated Indiana Statutes, 1933, sections 40-1010, 40-1016 to 40-1019.*¹

Work prohibited.

Industrial home work not prohibited in any specific industry.

Licensing.

Employer of home workers making, in whole or in part, vests, coats, trousers, knee pants, furs, fur trimmings, shirts, purses, feathers, artificial flowers, or cigars, for sale, in any room or rooms, apartment or apartments, in any tenement or dwelling house, or building in rear of tenement or dwelling house, must secure permit which shall state maximum number of persons to be employed on premises and which must be posted in one of rooms to which it relates.

Permit may be revoked if health of community or of home workers requires it.

Persons who may do home work.

Only immediate members of family living in home where home work is performed may engage therein.

Child labor.

No express provision in home-work law.

Minimum wage.

No express provision in home-work law.

Maximum hours.

No express provision in home-work law.

Other working conditions.

See conditions of revocation under *Licensing*.

Records.

No express provision in home-work law.

Labels.

No express provision in home-work law.

Enforcing agency.

Division of Labor, Department of Commerce and Industry, State-house, Indianapolis.

¹ Applies to all provisions listed except as otherwise specified.

MARYLAND

Application of law.

Manufacturing, in whole or in part, altering, repairing, or finishing any articles whatever, *unless* for use of member of family living therein or wearing apparel for employer or his family, in any part of any tenement or dwelling house, *except* workshop on main floor not used for sleeping or cooking and having separate entrance to street and separate from rest of building.—*Bagby's Annotated Code of Maryland, 1924, article 27, sections 301, 303, 304, 305, 306, 308.*¹

Work prohibited.

Industrial home work not prohibited in any specific industry.

Licensing.

License for use of room or apartment and stating maximum number of persons to be employed therein is required, application to be made by any member of family desiring to engage in home work.

License may be revoked for noncompliance or when health of community or of home workers requires it.

Persons who may do home work.

Only immediate members of family living in home, including husband, wife, their children, or children of either, may perform home work therein.

Child labor.

No express provision in home-work law.

Minimum wage.

No express provision in home-work law.

Maximum hours.

No express provision in home-work law.

Other working conditions.

Premises must be free from communicable disease and in proper sanitary condition. Room or apartment must contain at least 500 cubic feet of air space for every worker.

See also conditions of revocation under *Licensing*.

Records.

Employer must keep register of names and addresses, in English, of persons to whom home-work materials are distributed.

Labels.

Employer must issue with home-work materials a label bearing his name and place of business, in English.

Enforcing agency.

Commissioner of Labor and Statistics, 330 North Charles Street, Baltimore.

¹ Applies to all provisions listed except as otherwise specified.

MASSACHUSETTS

Application of law.

Manufacture in a home of articles for an employer to be returned to him, *unless* for personal use of employer or member of his family, and *except* in case of organization incorporated for educational or philanthropic purposes or of home work performed under supervision of Division of Blind, Department of Education.

"Home" is defined to mean "any room, house, apartment or other premises, whichever is most extensive, used in whole or in part as a place of dwelling."—*Acts and Resolves of Massachusetts, 1937, chapter 429.*¹

Work prohibited.

Law expressly prohibits home work on tobacco; drugs and poisons; bandages and other sanitary goods; explosives, fireworks, and articles of like character.

Law also authorizes Commissioner of Labor and Industries to prohibit by order industrial home work in any industry in which he finds that home work injures health and welfare of home workers or renders unduly difficult maintenance of existing labor standards or enforcement of those established by law or regulation for factory workers.

Licensing.

Employer, or his agent if employer is not resident of State, must secure annual permit, for which fee of \$50 is charged. *Home worker* must secure annual certificate.

Permit or certificate may be revoked or suspended for violation of law or of permit or certificate.

Persons who may do home work.

Home worker's certificate is valid only for applicant working in own home. Certificate becomes void if holder removes to another location (*Rules and Regulations*).²

Home worker's certificate may not be issued to person having communicable disease.

See also *Child labor*.

Child labor.

Minimum age, 14 years. Under 18 years, a hearing and permission by Department are required (*Rules and Regulations*).²

See also *Maximum hours*.

Minimum wage.

Employer must pay home worker at not less than factory rates for similar work; minimum wage rates established by Minimum Wage Commission apply.—*Rules and Regulations*.²

Maximum hours.

Minors 14 to 16 may not be employed for more than 8 hours a day, or 48 hours or 6 days a week, or between 6 p. m. and 6:30 a. m.; minors

¹ Applies to all provisions listed except as otherwise specified.

² Rules and Regulations for the Control of Industrial Home Work, Department of Labor and Industries, effective November 2, 1937.

16 to 18 may not be employed for more than 9 hours a day, or 48 hours a week or between 10 p. m. and 5 a. m.; females 18 or older may not be employed for more than 9 hours a day, or 48 hours a week or between 10 p. m. and 6 a. m.—*General Laws of Massachusetts, Tercentenary Edition, 1932, chapter 149, sections 56, 59, 60, 65-67, 78, 81.*

Hours of home worker employed also in factory are limited to 9 a day and 48 a week in both places.—*Rules and Regulations.*²

Other working conditions.

Home worker's certificate may not be issued to person living in home which is not clean and free from communicable disease.

Records.

Employer must keep record of names, addresses and earnings, of home workers, of articles manufactured by them, of agents or contractors to whom he has furnished home work, and of all persons from whom he has received home-work materials.

Labels.

Employer is required to label home-work materials with his name and address, in English.

Miscellaneous.

Employer must transport or pay cost of transportation of materials to and from plant.—*Rules and Regulations.*²

Enforcing agency.

Department of Labor and Industries, Statehouse, Boston.

² Rules and Regulations for the Control of Industrial Home Work, Department of Labor and Industries, effective November 2, 1937.

MICHIGAN

Application of law.

Manufacture of coats, vests, trousers, knee pants, overalls, skirts, dresses, cloaks, hats, caps, suspenders, jerseys, blouses, waists, waist bands, underwear, neckwear, furs, fur trimming, fur garments, shirts, hosiery, purses, feathers, artificial flowers, cigarettes, or cigars in any room or apartment in any tenement or dwelling house, *except* in case of seamstress working on articles for family use.—*Compiled Laws Michigan, 1929, sections 8337 and 8354.*¹

Work prohibited.

Industrial home work not prohibited in any specific industry.

Licensing.

Employer must secure permit for use of premises, stating maximum number of persons to be employed therein, which shall be posted in one of rooms to which it relates.

Permit may be revoked if health of community or of home workers requires it.

Persons who may do home work.

No express limitation in home-work law.

Child labor.

No express provision in home-work law.

Minimum wage.

No express provision in home-work law.

Maximum hours.

No express provision in home-work law.

Other working conditions.

No work may be performed in room or apartment used for living or sleeping purposes, or which is connected with such room or rooms, and which has not a separate outside entrance.

Premises must be clean, sanitary, and fit for work. At least 250 cubic feet of air space must be allowed for each person employed. Workroom must have sufficient means of light, heat, and ventilation. Goods manufactured under unhealthful conditions may be disinfected or condemned by Department.

See also conditions of revocation under *Licensing*.

Records.

Employer must keep register of names and addresses of persons to whom home work is given.

Labels.

No express provision in home-work law.

Enforcing agency.

Department of Labor and Industry, State Office Building, Lansing;
420 Transportation Building, Detroit.

¹ Applies to all provisions listed except as otherwise specified.

MISSOURI

Application of law.

Manufacture of any wearing apparel, purses, feathers, artificial flowers, or other goods for male or female wear in any room or apartment in any tenement or dwelling house.—*Revised Statutes, Missouri, 1929, secs. 13279-13281.*¹

Work prohibited.

Industrial home work not prohibited in any specific industry.

Licensing.

No express provision in home-work law.

Persons who may do home work.

Not more than three persons who are not immediate members of family living in home may perform home work therein.

Child labor.

No express provision in home-work law.

Minimum wage.

No express provision in home-work law.

Maximum hours.

No express provision in home-work law.

Other working conditions.

See *Labels*.

Records.

Employer must keep register of names and addresses of persons to whom home work is given.

Labels.

Inspector shall label articles made under unclean or unhealthy conditions "made under unhealthy conditions."

See also *Miscellaneous*.

Miscellaneous.

No person shall knowingly sell or expose for sale articles made in violation of law, inspector to label such articles "tenement made."

Enforcing agency.

Department of Labor and Industrial Inspection, Capitol Building, Jefferson City.

¹ Applies to all provisions listed except as otherwise specified.

NEW JERSEY

Application of law.

Manufacturing, altering, repairing, finishing, or distributing for hire or reward, any goods whatsoever in any dwelling, tenement, or room therein, or building immediately in rear thereof, *unless* articles of wearing apparel for use of employer or his family.

"Tenement" is defined to mean "any house or building or portion thereof which is rented, leased, let, or hired out to be occupied or is occupied as the home or residence of three families or more, living independently of each other and doing their cooking upon the premises."—*Revised Statutes of New Jersey, 1937, sections 34: 6-120 to 34: 6-136.*¹

Work prohibited.

Law expressly prohibits work on dolls, dolls' clothing, children's or infants' wearing apparel in any tenement house.

Licensing.

Annual license for use of premises must be secured, application to be made by any family, or member thereof, or any person desiring to engage in home work therein. License shall state maximum number of persons to be employed.

License may be revoked if health of community or of home workers requires it, or if premises are not in healthful and proper sanitary condition.

Persons who may do home work.

No express limitation in home-work law.

Child labor.

No express provision in home-work law.

Minimum wage.

No express provision in home-work law. However, directory minimum wage orders applying to women and minors employed in light manufacturing occupations and in wearing apparel and allied occupations expressly provide that "piece-work rates for work performed at any place other than at factory or on the premises of the employer" must be not less than rates for same work done in factory and must yield not less than minimum wages required by order.—(*Department of Labor Directory Minimum Wage Orders Nos. 2 and 3, applying to Light Manufacturing Occupations and Wearing Apparel and Allied Occupations, respectively, issued pursuant to Revised Statutes of New Jersey 1937, sections 34: 11-34 to 34: 11-56*).

Maximum hours.

No express provision in home-work law.

Other working conditions.

Commissioner of Labor may require workroom to be entirely separate from any living room, to have separate outside entrance, or to have separate stairway leading thereto.

¹ Applies to all provisions listed except as otherwise specified.

Premises must be in clean and proper sanitary condition, and free from infectious or contagious disease. Goods must be clean, free from vermin and matter of infectious or contagious nature. Each room must contain not less than 250 cubic feet of air space for each worker between 6 a. m. and 6 p. m. unless by special written permit of Commissioner, and not less than 400 cubic feet for each worker between 6 p. m. and 6 a. m. Commissioner may require suitable closet arrangements and separate toilets and that each workroom be sufficiently heated and ventilated. Workroom must have suitable light.

License for work on dolls, dolls' clothing, children's or infants' wearing apparel in any dwelling may not be issued unless applicant first secures approval of local board of health. (See also *Work prohibited*.)

See also conditions of revocation under *Licensing*.

Records.

Employer must keep register of names and addresses of persons to whom materials are given and of places where work is done.

Labels.

No express provision in home-work law.

Miscellaneous.

It is unlawful to receive, sell, or offer for sale any goods manufactured, altered, repaired, or finished in an unlicensed place.

Enforcing agency.

Department of Labor, Trenton.

NEW JERSEY

Application of law.

Manufacturing, altering, repairing, finishing, or distributing for hire or reward, any goods whatsoever in any dwelling, tenement, or room therein, or building immediately in rear thereof, *unless* articles of wearing apparel for use of employer or his family.

"Tenement" is defined to mean "any house or building or portion thereof which is rented, leased, let, or hired out to be occupied or is occupied as the home or residence of three families or more, living independently of each other and doing their cooking upon the premises."—*Revised Statutes of New Jersey, 1937, sections 34:6-120 to 34:6-136.*¹

Work prohibited.

Law expressly prohibits work on dolls, dolls' clothing, children's or infants' wearing apparel in any tenement house.

Licensing.

Annual license for use of premises must be secured, application to be made by any family, or member thereof, or any person desiring to engage in home work therein. License shall state maximum number of persons to be employed.

License may be revoked if health of community or of home workers requires it, or if premises are not in healthful and proper sanitary condition.

Persons who may do home work.

No express limitation in home-work law.

Child labor.

No express provision in home-work law.

Minimum wage.

No express provision in home-work law.

Maximum hours.

No express provision in home-work law.

Other working conditions.

Commissioner of Labor may require workroom to be entirely separate from any living room, to have separate outside entrance, or to have separate stairway leading thereto.

Premises must be in clean and proper sanitary condition, and free from infectious or contagious disease. Goods must be clean, free from vermin and matter of infectious or contagious nature. Each room must contain not less than 250 cubic feet of air space for each worker between 6 a. m. and 6 p. m. unless by special written permit of Commissioner, and not less than 400 cubic feet for each worker between 6 p. m. and 6 a. m. Commissioner may require suitable closet arrangements and separate toilets and that each workroom be sufficiently heated and ventilated. Workroom must have suitable light.

¹ Applies to all provisions listed except as otherwise specified.

License for work on dolls, dolls' clothing, children's or infants' wearing apparel in any dwelling may not be issued unless applicant first secures approval of local board of health. (See also *Work prohibited.*) See also conditions of revocation under *Licensing.*

Records.

Employer must keep register of names and addresses of persons to whom materials are given and of places where work is done.

Labels.

No express provision in home-work law.

Miscellaneous.

It is unlawful to receive, sell, or offer for sale any goods manufactured, altered, repaired, or finished in an unlicensed place.

Enforcing agency.

Department of Labor, Trenton.

NEW YORK

INDUSTRIAL HOME-WORK LAW

Application of law.

Manufacture, in whole or in part, in a home of materials for an employer to be returned to him, *unless* for personal use of employer or member of his family or for use in home or of person residing therein.

"Home" is defined to mean "a room or an apartment in any house." "House" is defined to mean "any building in which one or more persons regularly sleep; but where only a person or persons or the family of a person or persons engaged in the service of the building sleep in such building, the term 'house' shall apply only to the separate room or rooms or to the apartment or apartments in which one or more of such persons sleep."—*Cahill's Consolidated Laws of New York, 1931-1935 Supplement, chapter 32, sections 350-363.*¹

Work prohibited.

Law expressly prohibits home work on articles of food; dolls; dolls' clothing; stuffed animals and other stuffed toys used in same way as dolls. (See also *Orders 1, 2, 3.*)

Industrial Commissioner may determine within what industries home work may be continued without unduly jeopardizing factory workers or injuring health and welfare of home workers and may restrict home-work licenses and permits to such industries. Home work in all other industries may be forbidden.

Licensing.

Employer must secure or have permit for which annual, graduated fee (\$25-\$100), based on number of home workers, is charged. *Home worker* must secure certificate.

Permit or certificate may be revoked or suspended for violation of its terms, or of law, or of regulation or order of Commissioner.

Persons who may do home work.

Only persons resident in home may perform industrial home work therein.

See also *Child labor.*

Child labor.

Minimum age, 16 years. Child-labor laws apply. (See *Cahill's Consolidated Laws of New York, chapter 32, articles 4 and 5.*)

Minimum wage.

No express provision in home-work law.

Maximum hours.

No express provision in home-work law.

Other working conditions.

If Commissioner finds any home not clean, he shall order tenant to clean it, and if he finds home is in unsanitary condition or that there

¹ Applies to all provisions listed except as otherwise specified.

is communicable disease therein, he shall notify Commissioner of Health or local chief health officer.

Records.

Employer must keep list of names and addresses of home workers, of materials distributed to them, of goods they manufacture, and of wages paid to them.

Labels.

Commissioner may label articles unlawfully manufactured "unlawfully made."

Enforcing agency.

Department of Labor, 80 Centre Street, New York.

INDUSTRIAL COMMISSIONER HOME-WORK ORDER No. 1, 1936

Application of order.

Men's and boys' outer clothing industry, including manufacture of and processes and transactions involved in manufacture of outer clothing (except shirts, collars, men's neckwear, hats, hosiery, and knitwear) for males of 6 years and over.

Work prohibited.

Order prohibits industrial home work in industry; except that special authorizations may be issued for aged and disabled home workers.

Licensing.

Employer must have had permit prior to specified date and must secure special permit. *Home worker* must have been certificated for same employer prior to specified date and must secure special certificate.

Age; disability.

Home worker must be over 60 and must have physical disability which would prevent him from performing same work in shop.

Minimum wage.

Home worker must be paid not less than piece rates for same or similar work in shop.

Maximum hours.

No express limitation. However, home workers must receive less work than workers in shop. See also *Miscellaneous*.

Records.

Employer must keep record, as part of pay roll, of date on which work is issued to home worker, amount given him, rate of pay, date of return, amount of work returned, and home worker's pay. *Home worker* must keep record of production and wages in handbook issued by Department, entries to be made by employer.

Miscellaneous.

Home worker may work for one employer only.

Employer shall deliver and call for work free of charge.

Home worker must be covered by workmen's compensation.

All provisions of Labor Law and regulations of Industrial Commissioner must be observed.

INDUSTRIAL COMMISSIONER HOME-WORK ORDER No. 2, 1937

Application of order.

Men's and boys' neckwear industry, including manufacture of and processes and transactions involved in manufacture of men's and boys' neckwear of all materials for males of 6 years and over.

Work prohibited.

Order prohibits industrial home work in industry; except that special permits and certificates may be issued to aged or disabled home workers.

Licensing.

Employer must have had permit prior to specified date, and must secure special permit. *Home worker* must have been home worker receiving home work from licensed employer prior to specified date, and must secure special certificate.

Age; disability.

Home worker must be unable to adjust to factory work because of age or physical or mental disability, or to leave home because his presence there is required to care for invalid.

Minimum wage.

Home worker must be paid not less than rates for same operations in factory, the rates, as well as rules governing home work, to be posted in plant.

Maximum hours.

No express limitation. However, work given home worker may not exceed that done same week on same process by any shop worker employed not more than statutory maximum hours for women. See also *Miscellaneous*.

Records.

Employer must keep record, as part of pay roll, of date on which work is issued to home worker, amount given, operations performed, rate of pay, date of return, amount of work returned, and home worker's pay. *Home worker* must keep handbook issued by Department, in which employer shall enter same items.

Miscellaneous.

Home worker may work for one employer only.

Employer must distribute all materials directly to home workers.

Home worker must be covered by workmen's compensation.

Employer must maintain factory in which same operation is performed.

INDUSTRIAL COMMISSIONER HOME-WORK ORDER No. 3, 1938

Application of order.

Artificial flower and feather industries, including manufacture of and processes and transactions involved in manufacture and assembling of artificial flowers, fruits, and leaves of all materials.

Work prohibited.

Order prohibits industrial home work in industry; except that in artificial flower industry special permits and certificates may be issued to aged or disabled home workers.

Licensing.

Employer must have had permit prior to specified date, and must secure special permit. *Home worker* must have been home worker on artificial flowers working for licensed employer in artificial flower industry prior to specified date, and must secure special certificate.

Age; disability.

Home worker must be unable to adjust to factory work because of age or physical or mental disability, or to leave home because his presence there is required to care for invalid.

Minimum wage.

Home worker must be paid not less than rate necessary to yield home worker hourly earnings of average worker on same operation in shop, rates and rules governing home work to be given to each home worker.

Maximum hours.

No express limitation. However, work given home worker may not exceed average amount produced in same week by women on similar operations in shops working legal hours.

See also *Miscellaneous*.

Records.

Employer must keep record, as part of pay roll, of date on which work is issued to home worker, amount given, operations performed, rate of pay, date of return, amount of work returned, and home worker's weekly pay. *Employer* must also keep record of daily and weekly hours worked and of weekly wages for women workers in his shop. *Home worker* must keep handbook issued by Department, in which employer shall enter the date on which work is issued to home worker, amount given, operations performed, rate of pay, date of return, amount of work returned, and payment to home worker.

Miscellaneous.

For duration of his annual permit, employer may not have more than 1 home worker to each 10 women factory workers employed in any week during preceding year, each employer to be permitted at least 1 home worker.

Home worker may work for one employer only, and may not be employed in factory while holding home worker's certificate.

Employer must distribute all materials directly to home worker.

Home worker must be covered by workmen's compensation.

Employer must maintain factory in which similar operations are performed.

OHIO

The following provisions do not apply to work done in a home if performed *only by immediate members of family living therein.*

Application of law.

Process of making of wearing apparel or goods for wear and manufacture of cigars, cigarettes, or tobacco goods in any form, if to be exposed for sale or sold by manufacturer, wholesaler, jobber, or retailer, in any dwelling or building or room or apartment thereof in or connected with tenement, dwelling, or other building.—*Complete Ohio General Code, Page's Desk Edition, 1932, sections 1020-1026.*¹

Work prohibited.

Industrial home work not prohibited in any specific industry.

Licensing.

No express provision in home-work law.

Persons who may do home work.

Provisions of law apply only when persons who are not immediate members of family living in home perform work therein.

See also *Child labor.*

Child labor.

No express provision in home-work law. See footnote 2.

Minimum wage.

No express provision in home-work law.

Maximum hours.

No express provision in home-work law. See footnote 2.

Other working conditions.

Workroom shall be regarded as shop or factory,² may not be used for living purposes, must be separate from and have no opening into living room, and must have direct outside entrance and, if above first floor, separate stairway.

Workroom must be well and sufficiently lighted, heated, and ventilated.

Suitable water closets, in specified numbers based on number of workers, are required. Shop must be kept clean and in wholesome condition; stairways and premises within radius of 30 feet must be kept clean, and water closets disinfected.

Department may require cleaning or changes necessary to insure freedom from anything liable to impair health or breed infectious or contagious disease.

Records.

Employer must keep record of names and addresses of all persons to whom work is given or from whom goods are purchased.

¹ Applies to all provisions listed except as otherwise specified.

² As such, child labor, female hours, and factory laws are applied, and workmen's and unemployment compensation must be carried if three or more persons are employed.

Labels.

No express provision in home-work law.

Miscellaneous.

No person or corporation shall receive, sell, or expose for sale goods made in violation of law, unless made for another by personal order and received for wear or use direct from maker.

Enforcing agency.

Department of Industrial Relations, State Office Building, Columbus.

OREGON

Application of law.

Law grants State Welfare Commission authority to issue orders regulating conditions of employment of women and minors in any occupation.

State Welfare Commission order applying to needlecraft occupation, including designing, cutting, stitching, weaving, inspecting, knitting, hemstitching, altering, sorting of rags or materials, and so forth, whether by hand or by machine, of materials for clothing, wearing apparel, upholstering, tents, awnings, draperies, and bags used for any purpose, contains express home-work provision applying to private homes, insanitary basements and buildings, and places unsafe on account of fire risks.—*State Welfare Commission Order applying to Needle-craft Occupation, 1937*, issued pursuant to *1935 Supplement, Oregon Code, sections 49-302a to 49-303, and 49-306, and Oregon Code, 1930, sections 49-304, 49-305, and 49-307 to 49-321.*¹

Work prohibited.

Order expressly prohibits work in private homes, insanitary basements and buildings, and places unsafe on account of fire risks.

Licensing.²

Persons who may do home work.²

Child labor.²

Minimum wage.²

Maximum hours.²

Other working conditions.²

Records.²

Labels.²

Enforcing agency.

State Welfare Commission (Commissioner, Bureau of Labor, Executive Secretary), 1130 Southwest Third Avenue, Portland.

¹ Applies to all provisions listed except as otherwise specified.

² Not applicable. Work in private homes is not permitted.

PENNSYLVANIA

Application of law.

Manufacture in a home of articles or materials for an employer or his contractor to be returned to him, *unless* for personal use of employer or member of his family.

"Home" is defined to mean "any room, house, apartment, or other premises, whichever is most extensively used, in whole or in part, as a place of dwelling, and including outbuildings upon premises that are primarily used as a place of dwelling, where such outbuildings are under the control of the person dwelling on such premises."—*Laws of Pennsylvania, 1937, Act No. 176.*¹

Work prohibited.

Law expressly prohibits home work on articles of food or drink; articles for use in connection with serving food or drink; toys and dolls; tobacco; drugs and poisons; bandages and other sanitary goods; explosives, fireworks, and articles of like character; the tearing or sewing of rags, not including new remnants, clippings, or salvages which are by-products of manufacturing processes. By interpretation dolls' clothing and the assembling or placing of partitions in candy boxes or other boxes used in packing of food are also expressly prohibited (*Interpretation, Department of Labor and Industry, effective December 10, 1937.*)

Law prohibits home work which requires exposure to substances determined by Department to be hazardous to health or safety of persons so exposed.

Law also authorizes department to prohibit by order industrial home work in any industry in which it finds that industrial home work injures health and welfare of the home workers or renders unduly difficult maintenance of existing labor standards or enforcement of those established by law for protection of factory workers in industry.

Licensing.

*Employer, or representative contractor,*² must secure annual permit, for which \$200 is charged first year and for which graduated fee (\$50-\$200), based on number of home workers, is charged thereafter. In cases of employers giving out home work exclusively to restricted number of handicapped persons, fees may be waived, after investigation, if action is approved by Industrial Board (*Regulations for Industrial Home Work, Department of Labor and Industry, effective March 10, 1938.*)

Contractor must secure annual permit for which fee of \$25 is charged. *Home worker* must secure annual certificate.

Conditions of home-work manufacture are made conditions of employer's and contractor's permit, which, like the home-worker's certificate, may be revoked for violation of conditions under which issued, or of law or regulation.

¹ Applies to all provisions listed except as otherwise specified.

² A Pennsylvania contractor who receives home work from an out-of-State employer or contractor to be distributed.

Persons who may do home work.

Home workers must be residents of home where work is performed.

Home worker's certificate may not be issued to person having communicable disease.

See also *Child labor*.

Child labor.

Minimum age, 16 years. Child labor law applies (*Regulations for Industrial Home Work, Department of Labor and Industry, effective December 10, 1937.*)

Minimum wage.

No express provision in home-work law.

Maximum hours.

Home work may be performed only during maximum factory hours fixed by law or regulation for persons of same age and sex as home workers. (See *Purdon's Pennsylvania Statutes, 1936, Compact Edition, title 43, chapter 2 and chapter 4, as amended by Laws of Pennsylvania, 1937, Act No. 322; Laws of Pennsylvania, 1937, Act No. 567, and regulations issued pursuant thereto.*)

Other working conditions.

Home worker's certificate may not be issued to person living in home which is not clean and free from communicable disease. Home work may be performed only in home which is clean, sanitary, and free from communicable disease.

All power machines used in industrial home work must be guarded according to laws and regulations of Department.

Women's labor law applies.—(*Regulations for Industrial Home Work, Department of Labor and Industry, effective December 10, 1937.*)

Records.

*Employer, or representative contractor,*² and *contractor* must keep records of names, addresses, and earnings of home workers; of materials distributed to and articles manufactured by them; and of all contractors through whom home-work materials are distributed.

Labels.

All home-work materials must bear label stating employer's, or representative contractor's² name and address, as well as that of contractor, if any, in English.

Enforcing agency.

Department of Labor and Industry, South Office Building, Harrisburg.

² A Pennsylvania contractor who receives home work from an out-of-State employer or contractor to be distributed.

RHODE ISLAND

Application of law.

Processing in a home, in whole or in part, articles or materials for an employer to be returned to him, *unless* for personal use of employer or of member of his family and *not including* work distributed by certain corporations not organized for business purposes or by individual or organization engaged in providing work of philanthropic, educational, or therapeutic nature.¹

"Home" is defined to mean "any dwelling house, tenement house, rooming house, apartment house, or other residential building or any part thereof."—*Rhode Island Public Laws, 1936, chapter 2328.*¹

Work prohibited.

Law prohibits distribution of industrial home work except where licenses and certificates are obtained from Director, Department of Labor; but instructs Director to issue licenses and certificates to home workers 50 years of age and over or who are too physically handicapped to work in employer's shop, and in other cases also in industry in which home work is customary in State, unless it would unduly jeopardize the factory workers in such industry both as to wages and working conditions, injure health and welfare of home worker, or jeopardize public health and safety.

Minimum wage orders Nos. 1 and 2 prohibit home work in (1) jewelry manufacturing occupation and (2) manufacturing of wearing apparel and allied occupations, except by persons physically handicapped by age or disability who hold certificates under provisions of home-work law. In latter case occupations are defined to include wearing apparel and accessories, of whatever material composed, and such allied occupations as upholstering and curtain, rug, pillow, and mattress manufacture.—*Mandatory Minimum Wage Order No. 1, 1937, Mandatory Minimum Wage Order No. 2, 1938*, issued pursuant to *Rhode Island Public Laws, 1936, chapter 2289*.

Licensing.

Employer must secure license for which annual graduated fee (\$5-\$50), based on number of home workers, is charged. *Home worker* must secure certificate.

License or certificate may be revoked or suspended for violation of its terms or of law, or of regulation or order.

Persons who may do home work.

See *Child labor*.

Child labor.

Minimum age, 16 years.

See also *Maximum hours*.

Minimum wage.

Home worker shall be paid at not less than rate paid for similar work in factory.

¹ Applies to all provisions listed except as otherwise specified.

Maximum hours.

Hours of women and minors limited to hours permitted women and minor workers in manufacturing, mechanical, and other establishments. (See *General Laws, chapter 85, sections 35-39, as amended by Laws of 1936, chapter 2426.*)

See also *Miscellaneous.*

Other working conditions.

If Director finds any home not clean, he shall order tenant to clean it, and if he finds home is in unsanitary condition or that there is communicable disease therein, he shall notify department of health and local public health officials.

Records.

Employer must keep list of names and addresses of home workers, materials distributed, goods processed by home workers, and rate of pay of each such worker.

Labels.

No express provision in home-work law.

Miscellaneous.

Employer shall allow home worker sufficient time to complete allotment without assistance from other persons.

Cost of transporting home work shall be borne by employer.

Enforcing agency.

Department of Labor, State House, Providence, Rhode Island.

TENNESSEE

Application of law.

Manufacture for sale, in whole or in part, of coats, vests, trousers, knee pants, overalls, cloaks, shirts, ladies' waists, purses, feathers, artificial flowers, or any other wearing apparel, or cigars in any room or apartment in any tenement or dwelling house, used for eating or sleeping purposes.—*Code of Tennessee, 1932, sections 6633-6639.*¹

Work prohibited.

Industrial home work not prohibited in any specific industry.

Licensing.

See *Child labor*.

Persons who may do home work.

Only immediate members of family living in place where work is performed may engage in home work therein.

Child labor.

Children under 16 living in room, apartment, or tenement where any article is manufactured, altered, repaired, or finished must secure permit before engaging in home work.—*Code of Tennessee, 1932, section 5343.*

Minimum wage.

No express provision in home-work law.

Maximum hours.

No express provision in home-work law.

Other working conditions.

Place shall be deemed a workshop for purposes of inspection.

Premises must be clean and free from infection or contagious disease. Materials must be clean, free from vermin and from any infectious or contagious matter; may be condemned or disinfected by Board of Health.

Rooms, apartment, or tenement where any article is manufactured, altered, repaired, or finished, must be well lighted and ventilated and must contain at least 500 cubic feet of air space for each worker.—*Code of Tennessee, 1932, section 5343.*

Records.

Employer must keep list of all work places in his employ.

Labels.

No express provision in home-work law.

Miscellaneous.

Persons occupying or having control of work places must notify Board of Health within 14 days of location, nature of work, and number of persons employed.

Enforcing agency.

Department of Labor, Nashville.

¹ Applies to all provisions listed except as otherwise specified.

TEXAS

Application of law.

Manufacture in a home of materials or articles for an employer to be returned to him, *unless* for personal use of employer or member of his family.

"Home" is defined to mean "any room, house, apartment, or other premises, whichever is most extensive, used in whole or in part as a place of dwelling."—*House Bill No. 424, Approved June 9, 1937*.¹

Work prohibited.

Law prohibits home work which is determined by Board of Health to be injurious to health or welfare of home workers or of general public, or to render unduly difficult the maintenance of existing health standards or enforcement of those established by law or regulation for factory workers in industry; authorizes Board to prohibit by order home work in any industry in which it finds that industrial home work injures health and welfare of home workers or of general public.

Licensing.

Employer, or his agent if employer is not resident of State, must secure annual permit, for which fee of \$50 is charged. *Home worker* must secure annual certificate, for which fee of not more than 50 cents is charged.

Permit or certificate may be revoked or suspended for violation of law or of permit or certificate.

Persons who may do home work.

Home worker's certificate is valid only for applicant working in own home.

Home worker's certificate may not be issued to person having communicable disease. Applicant must furnish health certificate or other evidence of good health as required by Board.

See also *Child labor*.

Child labor.

Minimum age, 15 years.

Minimum wage.

No express provision in home-work law.

Maximum hours.

No express provision in home-work law.

Other working conditions.

Home worker's certificate may not be issued to person living in home which is not clean, sanitary, and free from communicable disease.

Records.

Employer must keep record of names and addresses of home workers, of articles manufactured by them, of agents or contractors to whom he has furnished home work, and of all persons from whom he has received home-work materials.

¹ Applies to all provisions listed except as otherwise specified.

Labels.

Employer is required to label home-work materials with his name and address, in English.

Enforcing agency.

State Board of Health, Austin.

WEST VIRGINIA

INDUSTRIAL HOME-WORK LAW

Application of law.

Manufacture in a home of articles for an employer to be returned to him, *unless* for personal use of employer or member of his family, and *except* in case of departments, agencies, or institutions of State or any of its political subdivisions.

"Home" is defined to mean "any room, house, apartment, or other premises, whichever is most extensive, used in whole or in part as a place of dwelling."—*Code of West Virginia, 1931, chapter 21, article 7, sections 1-11* (article 7 added by *House Bill 233, 1939, as enacted*).¹

Work prohibited.

Law expressly prohibits home work on tobacco; drugs and poisons; bandages and other sanitary goods; explosives, fireworks, and articles of like character.

Law also makes unlawful home work on any other articles, the manufacture of which by industrial home work is in violation of home-work law or of any other labor law or of any health law of State.

Licensing.

Employer must secure annual permit for which fee of \$50 is charged. *Home worker* must secure annual certificate.

Permit or certificate may be revoked or suspended for violation of law.

Persons who may do home work.

See *Licensing*.

Child labor.

No express provision in home-work law.

Minimum wage.

No express provision in home-work law.

Maximum hours.

No express provision in home-work law.

Other working conditions.

No express provision in home-work law.

Records.

No express provision in home-work law.

Labels.

Employer is required to label home-work materials with his name and address, in English.

Enforcing agency.

Commissioner of Labor, Charleston.

¹ Applies to all provisions listed except as otherwise specified.

WISCONSIN

Application of law.

Manufacturing, altering, repairing, or finishing of any articles in any tenement or dwelling house, or shed or other building in rear thereof, for owner or lessee of any factory.—*Wisconsin Statutes, 1937, sections 103.44, 101.28, and 146.03.*¹

Work prohibited.

Industrial Commission and State Board of Health may jointly adopt and enforce rules and regulations, and may prohibit home work upon specified articles if necessary to protect health of consumers or workers.

Licensing.

Employer must secure permit from Industrial Commission to give out home work. He must also secure from local health officer an annual license for use of premises, which shall designate room, apartment, or building, and names of persons to be employed, and for which fee of \$1 is charged.

Permit may be revoked for failure faithfully to observe its conditions. License shall be revoked if reinspection discloses improper conditions.

Persons who may do home work.

See *Child labor*.

Child labor.

Minimum age, 18 years.—*Laws of Wisconsin, 1937, chapter 6.*

Permit is conditioned upon compliance with child-labor laws.

See also *Minimum wage*.

Minimum wage.

Permit is conditioned upon compliance with minimum-wage laws.

Home-worker's piece rates must yield women and minors of average ability in employer's factory regular minimum wage rates.—*Industrial Commission Order No. 4.*

Maximum hours.

No express provision in home-work law.

Other working conditions.

Premises must be clean and fit for the purpose and free from communicable disease.

Records.

Employer must keep register of names and addresses of home workers, quantities given out and completed, and wages paid.

Labels.

Employer must issue with work a label bearing name and address of factory, in English.

Enforcing agency.

Industrial Commission, State Board of Health, Madison.

¹ Applies to all provisions listed except as otherwise specified.

PUERTO RICO

INDUSTRIAL HOME-WORK LAW

Application of law.

Manufacture in a home of articles or materials for an employer or his contractor to be returned to him, *unless* for personal use of employer or member of his family.

"Home" is defined to mean any room, house, apartment, or other premises, which is chiefly used, in whole or in part, as a dwelling place, and including outbuildings or premises that are primarily used as a dwelling place where such outbuildings are under the control of the person dwelling on such premises.—Industrial Home-Work Law, Act No. 163, Laws of 1939.¹

Work prohibited.

Law expressly prohibits home work on articles of food or drink; articles for use in connection with the serving of foods or drinks; sanitary goods; cigar holders, cigarette cases, pipes for smoking, or other articles for the use of smokers; tobacco handling or stripping; powder puffs, cosmetics, or articles intended to be used for the application of cosmetics; explosives, fireworks, or articles of like character; drugs and poisons; tobacco, cigarettes, or cigars; the tearing or sewing of rags; *Provided*, That the work with "rags" shall not be deemed to apply to new remnants, clippings, or salvages which are the byproducts of manufacturing processes.

Law prohibits home work which requires exposure to substances determined by the department to be hazardous to health or safety of persons so exposed.

Law also authorizes department to prohibit by order industrial home work in any industry in which it finds that industrial home work injures health and welfare of the home workers or renders unduly difficult maintenance of existing labor standards or enforcement of those established by law for the protection of factory workers in industry.

Licensing.

Employer or representative contractor must secure annual permit for which \$25 is charged first year and \$10 is charged annually thereafter.

Subcontractor must secure annual permit for which no fee is charged. *Home worker* must have certificate but procedure for securing not defined.

Conditions of home work manufacture are made conditions of employer's or subcontractor's permit, which may be revoked for violation of conditions under which issued, or of law or regulation or order.

Persons who may do home work.

Home workers must be residents of home where work is performed. See also *Child labor*.

¹ Applies to all provisions listed except as otherwise specified.

Child labor.

Minimum age, 16 years.

Minimum wage.

No express provision in home-work law.

Maximum hours.

Home work may be performed only during maximum factory hours fixed by law or regulation for persons of same age, and sex as home workers. (Act 73, Laws of 1919, as amended Act 28, Laws of 1930; Act 75, Laws of 1931, as amended, Act 64, Laws of 1925, Act 75, Laws of 1921, Act 3, Laws of 1933; Act 54, Laws of 1930; Act 80, Laws of 1931, as amended, Act 24, Laws of 1935; Act 49 Laws of 1935, Second Special Session.)

Other working conditions.

Home work may be performed only in home which is clean, sanitary, and free from communicable disease.

All power machines used in industrial home work must be guarded according to laws and regulations of Department.

Records.

Employer and subcontractor must keep records of names, addresses and earnings of home workers; of materials distributed to and manufactured by them; and of all subcontractors through whom home-work materials are furnished.

Labels.

All home-work materials must bear label stating employer's, or representative contractor's name and address in Spanish.

Enforcing agency.

Department of Labor of Puerto Rico.

UNITED STATES

FAIR LABOR STANDARDS ACT OF 1938

Application of law.

Act provides for minimum wages and regulates hours of employment in industries engaged in interstate commerce or in the production of goods for interstate commerce. It also includes provisions affecting the employment of children.

Regulation of Wage and Hour Division, United States Department of Labor, requires employers to keep certain, specified records with respect to industrial home work.—*Section 516.90, Part 516, Chapter V, Title 29, Code of Federal Regulations*, issued pursuant to *Section 11 (c), Fair Labor Standards Act of 1938 (52 Stat. 1060)*.¹

Work prohibited.

No express provision in law or regulation.

Licensing.

No express provision in law or regulation.

Persons who may do home work.

See *Child labor*.

Child labor.²

Minimum wage.²

Maximum hours.²

Other working conditions.

No express provision in law or regulation.

Records.

Employer must keep record of name, address, and date of birth, if under 19, of home worker; date, hour, and amount of work given out and returned; kind of articles and operations performed; piece rates paid; hours worked on each lot returned and during each week; wages paid for each lot returned and earned each week at regular piece rates; extra pay each week for overtime; deductions for Social Security taxes; date of payment; name and address of each agent, distributor, or contractor through whom home work is distributed.

In addition, a separate handbook of information must be kept for each home worker, the items to be entered by employer or his agent each time work is given out to or returned by home worker, the handbook to remain in possession of home worker.

Labels.

No express provision in law or regulation.

Enforcing agency.

Wage and Hour Division, United States Department of Labor, Washington, D. C. (Child labor provisions of Fair Labor Standards Act are administered by Children's Bureau, United States Department of Labor).

¹ Applies to all provisions listed except as otherwise specified. Effective for six months beginning April 1, 1939, unless sooner repealed or modified.

² In Interpretative Bulletin No. 1, Administrator, Wage and Hour Division, has held that "employees otherwise coming within the terms of the act, are entitled to its benefits whether they perform their work at home, in the factory, or elsewhere."

Industrial Home-Work Laws and Regulations

CALIFORNIA

DEERING'S CODES OF THE STATE OF CALIFORNIA, 1938, LABOR CODE, SECTIONS 2650-2668 (ADDED TO LABOR CODE BY CHAPTER 809, LAWS OF 1939)

INDUSTRIAL HOME-WORK LAW

2650. As used in this part:

(a) "To manufacture" means to prepare, alter, repair, or finish in whole or in part.

(b) "Employer" means any person who, directly or indirectly or through an employee, agent, independent contractor, or any other person, delivers to another person any materials or articles to be manufactured in a home and thereafter to be return to him, not for the personal use of himself or of a member of his family.

(c) "Home" means any room, house, apartment, or other premises, whichever is most extensive, used in whole or in part as a place of dwelling.

(d) "Industrial home work" means any manufacture in a home of materials or articles for an employer.

(e) "Division" means the Division of Industrial Welfare.

(f) "Industrial home worker" means any person who does industrial home work.

2651. The manufacture by industrial home work of any of the following materials or articles, or the delivery of such materials or articles for such manufacture, shall be unlawful, and no permit or certificate issued under this part shall be deemed to authorize such manufacture or the delivery of materials or articles for such manufacture: articles of food or drink; articles for use in connection with the serving of food or drink; articles of wearing apparel for use of children ten years of age or under; toys and dolls; tobacco; drugs and poisons; bandages and other sanitary goods; explosives, fireworks, and articles of like character; articles, the manufacture of which by industrial home work is determined by the division to be injurious to the health or welfare of the industrial home workers within the industry or to render unduly difficult the maintenance of existing labor standards or the enforcement of labor standards established by law or regulation for factory workers in the industry.

2652. The division shall have the power to make an investigation of any industry which employs industrial home workers, in order to determine whether the wages and conditions of employment of industrial home workers in the industry are injurious to their health and welfare or whether the wages and conditions of employment of the industrial home workers have the effect of rendering unduly difficult the maintenance of existing labor standards or

the enforcement of labor standards established by law or regulation for factory workers in the industry.

2653. To effectuate the provisions of this part, the division shall have the powers given by section 353 of the Political Code to a head of a department.

2654. If, on the basis of information in its possession, with or without an investigation, the division shall find that industrial home work cannot be continued within an industry without injuring the health and welfare of the industrial home workers within that industry, or without rendering unduly difficult the maintenance of existing labor standards or the enforcement of labor standards established by law or regulation for factory workers in that industry, the division shall by order declare such industrial home work unlawful and require all employers in the industry to discontinue the furnishing within this State of materials and articles for industrial home work, except as may be otherwise provided in the order pursuant to the provisions of section 2657 of this code, and no permit issued under this part shall be deemed thereafter to authorize the furnishing of materials or articles for industrial home work prohibited by such order.

2655. Before making such order the division shall hold a public hearing or hearings at which an opportunity to be heard shall be afforded to any employer, or representative of employers, and any industrial home worker, or representative of industrial home workers, and any other person having an interest in the subject matter of the hearing. A public notice of each hearing shall be given at least thirty days before the hearing is held and in such manner as may be determined by the division. The hearing or hearings shall be in such place or places as the division deems most convenient to the employers and industrial home workers to be affected by the order.

2656. The division shall determine the effective date of such order, which date shall be not less than ninety days after the date of its promulgation. The order shall set forth the type or types of manufacturing which are prohibited after its effective date, and shall contain such terms and conditions as the division may deem necessary to carry out the purpose and intent of this part.

2657. If the division finds that as a result of a prohibitory order undue hardship will ensue to home workers in the industry who because of advanced age or other disability are unable to adjust to factory employment, the order, if the division determines that it is not inconsistent with the purposes of this part, may permit limited distribution of industrial home work, under such terms and conditions as the division may prescribe, to any person engaged in the industry as a home worker on or prior to the effective date of such order (1) who because of old age or physical or mental disability or injury is unable to adjust himself to factory employment; or (2) who is unable to leave home because his services are essential to care for an invalid in the home.

2658. No employer shall deliver any materials or articles for manufacture by industrial home work to any person in this State unless the employer so delivering them or his agent, if the employer is not a resident of this State, has obtained a valid employer's permit from the division. A permit shall be issued upon payment to the division of a fee of \$50 and shall be valid for the remainder of the calendar year for which it is issued, unless sooner revoked or suspended. Application for a permit shall be made in such form as the division may by regulation prescribe. The division may revoke or suspend an employer's permit upon a finding that the employer has violated this part or has failed to comply with any provision of the permit.

Industrial Home-Work Laws and Regulations

CALIFORNIA

INDUSTRIAL WELFARE COMMISSION ORDER NO. 11A, APPLYING TO MANUFACTURING INDUSTRY

To Whom it May Concern:

TAKE NOTICE: That pursuant to and by virtue of the authority vested in it by the Statutes of California, 1913, chapter 324, and amendments thereto, and after public hearing duly had no motion of the Commission at the City Hall in the City and County of San Francisco, on Thursday, December 14, 1922, notice of said hearing having been duly given in the manner provided by law, and the Industrial Welfare Commission thereafter finding and determining that the least wage adequate to supply to women and minors employed in industry the necessary cost of proper living and to maintain their health and welfare is \$16 a week,

THE INDUSTRIAL WELFARE COMMISSION OF THE STATE OF CALIFORNIA
DOES HEREBY ORDER THAT:

* * * * *

(Section) 11. Home work.

No employer shall give work to women or minors to be performed outside the place of business of said employer except upon permit issued by the Industrial Welfare Commission.

Every employer in the manufacturing industry employing women or minors on home work or work performed outside the place of business upon permit from the Industrial Welfare Commission, shall keep the following records: Names and addresses of all women and minors so employed, the amounts paid each worker, the amount of work performed and the piece work rates paid. No employer or subcontractor of any employer in the manufacturing industry employing at his place of business a woman or minor shall suffer or permit said woman or minor to take work from said employer or subcontractor to be done by her as home work outside of said place of business.

* * * * *

Dated at San Francisco, California, this 30th day of January, 1923.

Order No. 11, amended 1920, dated September 25, 1920, is hereby rescinded as and of the date when this order becomes effective.

This Order is effective May 8, 1923.

INDUSTRIAL WELFARE COMMISSION ORDER NO. 15A, APPLYING TO NUT-CRACKING AND SORTING INDUS- TRY

To Whom it May Concern:

TAKE NOTICE: That pursuant to and by virtue of the authority vested in it by the Statutes of California, 1913, chapter 324, and amendments thereto,

THE INDUSTRIAL WELFARE COMMISSION OF THE STATE OF CALIFORNIA
DOES HEREBY ORDER THAT:

* * * * *

(Section) 9. Home work.

No employer shall give work to women or minors to be performed outside of the place of business of said employer except upon permit issued by the Industrial Welfare Commission.

Every employer in the nut cracking and sorting industry employing women or minors on home work or work performed outside the place of business upon permit from the Industrial Welfare Commission, shall keep the following records: Names and addresses of all women and minors so employed, the amounts paid each worker, the amount of work performed and the piece work rates paid. No employer or subcontractor of any employer in the nut cracking and sorting industry employing at his place of business a woman or minor shall suffer or permit said woman or minor to take work from said employer or subcontractor to be done by her as home work outside of said place of business.

* * * * *

Dated at San Francisco, California, this 8th day of June, 1923.

This Order is effective September 14, 1923.

(The two preceding orders were issued pursuant to minimum-wage law, which also authorizes Industrial Welfare Commission to fix "standard conditions of labor demanded by the health and welfare of the women and minors engaged in any occupation, trade, or industry in this State."—*Statutes of California, 1913, chapter 324, as amended, now Labor Code, 1937, sections 1171 to 1203.*)

DEERING'S CODES OF THE STATE OF CALIFORNIA, 1938, LABOR CODE, SECTIONS 1290-1291

1290. Minor under sixteen forbidden employments generally.—No minor under the age of sixteen years shall be employed, permitted, or suffered to work in or in connection with any manufacturing establishment or other place of labor or employment at any time except as may be provided in this article or by the provisions of Part II of Division I of the School Code.

1291. Work is done for manufacturing establishment within meaning of article, when.—Work is done for manufacturing establishment within the meaning of this article whenever it is done at any place upon the work of a manufacturing establishment, or upon any of the materials entering into the products of a manufacturing establishment, whether under contract or arrangement with any person in charge of or connected with a manufacturing establishment directly or indirectly through contractors or third persons.

2659. No employer shall deliver or cause to be delivered any materials or articles for manufacture by industrial home work to a person who is not in possession of a valid employer's permit or home-worker's certificate, issued in accordance with this part.

2660. No person shall engage in industrial home work within this State unless he has in his possession a valid home-worker's certificate issued to him by the division. The certificate shall be issued without cost and shall be valid for the remainder of the calendar year for which it is issued, unless sooner revoked or suspended. Application for a certificate shall be made in such form as the division may by regulation prescribe. The certificate shall be valid only for work performed by the applicant himself in his own home.

2661. No home-worker's certificate shall be issued to any person under the age of 16 years, except as provided in Part II of Division I of the School Code; or to any person suffering from an infectious, contagious, or communicable disease or living in a home that is not clean, sanitary, and free from infectious, contagious, or communicable disease.

2662. The division may revoke or suspend any home-worker's certificate upon a finding that the industrial home worker is performing industrial home work contrary to the conditions under which the certificate was issued or in violation of this part or has permitted any person not holding a valid home-worker's certificate to assist him in performing industrial home work.

2663. No employer shall deliver or cause to be delivered to any person any materials or articles to be manufactured by industrial home work unless there has been conspicuously affixed to each article or material or, if this is impossible, to the package or other container in which such goods are delivered or are to be kept, a label or other mark of identification bearing the employer's name and address, printed or written legibly in English.

2664. Any article or material which is being manufactured in a home in violation of any provision of this part may be removed by the division and may be retained by it until claimed by the employer. The division shall by registered mail give notice of such removal to the person whose name and address are affixed to the article or material as provided in this part. Unless the article or material so removed is claimed within thirty days thereafter, it may be destroyed or otherwise disposed of.

2665. No person having an employer's permit shall deliver or cause to be delivered or received any articles or materials for or as a result of industrial home work unless he shall keep in such form and forward to the division at such intervals as the division may by regulation prescribe a record of all persons engaged in industrial home work on materials or articles furnished or distributed by him, of all places where such persons work, of all articles or materials which such persons have manufactured, of the net cash wages received by each industrial home worker, of all agents or contractors to whom he has furnished materials or articles to be manufactured by industrial home work and of all persons from whom he has received materials or articles to be so manufactured.

2666. The division shall enforce the provisions of this act. The division and the authorized representatives of the Department of Industrial Relations are authorized and directed to make all inspections and investigations necessary for the enforcement of this part. Rules and regulations necessary to carry out the provisions of this part shall be made by the division and the violation of any such rule or regulation shall be deemed a violation of this part.

2667. In addition to any penalties otherwise prescribed in this part, any employer who delivers or causes to be delivered to another

person any materials or articles for manufacture by industrial home work without having in his possession a valid employer's permit as required by this part, or any employer who refuses to allow the division or its authorized representative to enter his place of business for the purpose of making investigations authorized by this part or necessary to carry out its provisions or who refuses to permit the division or its authorized representative to inspect or copy his pay roll or other records or documents relating to the enforcement of this part or who falsifies such records or documents or any statement which he is required by the division acting under authority of this part to make or any employer who otherwise violates this part or any provision of his permit, is guilty of a misdemeanor.

2668. All permit or license fees received under this part shall be paid into the State treasury.

INDUSTRIAL WELFARE COMMISSION ORDER NO. 11A, APPLYING TO MANUFACTURING INDUSTRY

To Whom it May Concern:

TAKE NOTICE: That pursuant to and by virtue of the authority vested in it by the Statutes of California, 1913, chapter 324, and amendments thereto, and after public hearing duly had no motion of the Commission at the City Hall in the City and County of San Francisco, on Thursday, December 14, 1922, notice of said hearing having been duly given in the manner provided by law, and the Industrial Welfare Commission thereafter finding and determining that the least wage adequate to supply to women and minors employed in industry the necessary cost of proper living and to maintain their health and welfare is \$16 a week,

THE INDUSTRIAL WELFARE COMMISSION OF THE STATE OF CALIFORNIA
DOES HEREBY ORDER THAT:

* * * * *

(Section) 11. Home work.

No employer shall give work to women or minors to be performed outside the place of business of said employer except upon permit issued by the Industrial Welfare Commission.

Every employer in the manufacturing industry employing women or minors on home work or work performed outside the place of business upon permit from the Industrial Welfare Commission, shall keep the following records: Names and addresses of all women and minors so employed, the amounts paid each worker, the amount of work performed and the piece work rates paid. No employer or subcontractor of any employer in the manufacturing industry employing at his place of business a woman or minor shall suffer or permit said woman or minor to take work from said employer or subcontractor to be done by her as home work outside of said place of business.

* * * * *

Dated at San Francisco, California, this 30th day of January, 1923.
Order No. 11, amended 1920, dated September 25, 1920, is hereby rescinded as and of the date when this order becomes effective.
This Order is effective May 8, 1923.

(The preceding order was issued pursuant to minimum-wage law, which also authorizes Industrial Welfare Commission to fix "standard conditions of labor demanded by the health and welfare of the women and minors engaged in any occupation, trade, or industry in this State."—*Statutes of California, 1913, chapter 324, as amended, now Labor Code, 1937, sections 1171 to 1203.*)

**DEERING'S CODES OF THE STATE OF CALIFORNIA, 1938,
LABOR CODE, SECTIONS 1290-1291**

1290. Minor under sixteen forbidden employments generally.—No minor under the age of sixteen years shall be employed, permitted, or suffered to work in or in connection with any manufacturing establishment or other place of labor or employment at any time except as may be provided in this article or by the provisions of Part II of Division I of the School Code.

1291. Work is done for manufacturing establishment within meaning of article, when.—Work is done for manufacturing establishment within the meaning of this article whenever it is done at any place upon the work of a manufacturing establishment, or upon any of the materials entering into the products of a manufacturing establishment, whether under contract or arrangement with any person in charge of or connected with a manufacturing establishment directly or indirectly through contractors or third persons.

**DEERING'S CODES OF THE STATE OF CALIFORNIA, 1938,
SCHOOL CODE, SECTIONS 1.171-1.172, 1.177, 1.179, 1.273,
1.280**

1.171. Permits to minors between ages of fifteen and sixteen.—A permit to work may be issued to a minor under the age of sixteen years and over the age of fifteen years who has completed the equivalent of the seventh grade of a public school course.

1.172. Permits to minors between ages of fourteen and sixteen: Sworn statement of parent, etc.: Statement of issuer.—A permit to work may be issued to a minor under the age of sixteen years and over the age of fourteen years who holds a diploma of graduation from the prescribed elementary school course. A permit of this class shall be issued only when the parent or parents, or foster parent or foster parents, or guardian of the minor child shall present a sworn statement that the parent or parents or foster parent or foster parents, or guardian of such minor is incapacitated for labor through illness or injury, or that through the death or desertion of the father of such minor the family is in need of the earnings of such minor and that sufficient aid cannot be secured in any other manner. In no case shall the permit be issued for a period of time to exceed six months from the date of issuance.

Statement of issuer. The person issuing the permit described in this section shall make a signed statement that he, or a competent person designated by him, has investigated the conditions under which the application for such permit has been made and has found that, in his judgment, the earnings of such minor are necessary for such family to support such minor and that sufficient aid cannot be secured in any other manner.

* * * * *

1.177. Permit to work after school hours: Report to principal.—The person authorized to issue permits to work to minors under the age of sixteen years exempting such minors from full-time day school attendance, may also issue to any minor over the age of fourteen years a permit to work outside of school hours for a period of time which when added to the time such minor is required by law to attend school shall not exceed eight hours in any one day. The person issuing any such permit to work outside of school hours shall immediately notify, in writing, the principal of the school which the minor is attending, and if at any time the teacher of such minor can show to the satisfaction of the person issuing such permit to work that the school work or the health of such minor is being impaired by such employment, the authority issuing such permit may revoke the same.

* * * * *

1.179. Minors over age of twelve: Vacation permits.—Any minor over the age of twelve years and under the age of sixteen years who holds a vacation permit as hereinafter provided may be employed on a regular weekly school holiday, and during the regular vacation of the public school and during the period of a specified occasional public school vacation in any of the establishments of occupations not otherwise prohibited by law.

* * * * *

1.273. Penalties for violation.—Any parent, guardian, or other person having control or charge of any child subject to the provisions of this Chapter who shall fail to comply with the provisions of this Chapter, shall, unless excused or exempted therefrom as hereinbefore provided, be deemed guilty of a misdemeanor, and, upon conviction, shall be

liable, for the first offense, to a fine of not more than ten dollars, or to imprisonment for not more than five days, and for each subsequent offense he shall be liable to a fine of not less than ten, or more than fifty dollars, or to imprisonment for not less than five days, nor more than twenty-five days, or to both such fine and imprisonment.

* * * * *

1.280. **Fine or imprisonment or both.**—Any person, firm, corporation, agent or officer of a firm, or corporation that violates or omits to comply with any of the provisions of this Chapter or that employs, or suffers, or permits any minor to be employed in violation thereof, is guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than fifty dollars or more than two hundred dollars, or by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment, for each and every offense.

COLORADO

INDUSTRIAL COMMISSION ORDER NO. 2 APPLYING TO RETAIL TRADE OCCUPATIONS

IT IS THE ORDER OF THE INDUSTRIAL COMMISSION OF COLORADO, That from and after January 16, 1939, the following regulations and scale of wages shall be in full force and effect.

TAKE NOTICE, That pursuant to and by virtue of the authority vested in it by chapter 97, sections 236-256, C. S. A. 1935, as amended by chapter 189, S. L. 1937, approved April 28, 1937, the Industrial Commission of Colorado hereby issues the following order:

THE INDUSTRIAL COMMISSION OF COLORADO FINDS, That the payment of wages at less than the following rates is inadequate to supply the necessary cost of living to workers in this industry to maintain them in good health and to protect their morals; and provide a reasonable surplus for support during sickness or other emergencies.

* * * * *

HOME WORK.—No employer shall give work that can be performed on the premises to women or minors to be done elsewhere.

DEFINITIONS

RETAIL TRADES OCCUPATIONS shall mean all the selling of merchandise to the consumer, not for the purpose of resale, in any form within the State of Colorado.

EMPLOYEES shall mean all females eighteen (18) years of age or over, and all persons of either sex under the age of eighteen (18), who are employed in retail trades.

PENALTIES

DISCRIMINATION AGAINST OR DISCHARGE OF ANY EMPLOYEE because of participation in any investigation or hearing relating to the Minimum Wage Act is a misdemeanor, punishable by a fine of not less than \$200 nor more than \$1,000.

FAILURE TO PAY RATES ESTABLISHED UNDER MINIMUM-WAGE ORDER No. 2 is a misdemeanor, punishable by a fine of not less than \$100 or by imprisonment for not less than thirty (30) days, or by both such fine and imprisonment.

"Any employee receiving less than the legal minimum wage applicable to such employee shall be entitled to recover in civil action the unpaid balance of the full amount of such minimum wage, together with costs of suit, notwithstanding any agreement to work for such lesser wage."

Dated at Denver, Colorado, this 3rd day of December, A. D. 1938.

(The preceding order was issued pursuant to minimum-wage law, which also authorizes Industrial Commission to fix "standards of conditions of labor for women and minors * * * in any occupation in this State."—1935 Colorado Statutes Annotated, chapter 97, sections 236-256, as amended.)

CONNECTICUT

CUMULATIVE SUPPLEMENT TO GENERAL STATUTES, 1931-1935, SECTIONS 905c-908c

SEC. 905c. Manufacturing license for residential buildings.—No person, except a member of the immediate family residing in a dwelling house, tenement house, rooming house, apartment house or other residential building, nor any firm, partnership or corporation, shall use such building, in whole or in part, for the manufacture of any products, or parts thereof, until the owner thereof shall have obtained from the commissioner of labor and factory inspection a license authorizing its use for such purpose. Said commissioner shall, before granting such license, establish the fact, by thorough inspection, that the building conforms in every respect to the requirements of the general statutes relating to heat, light, safety, health, ventilation and sanitation. The fee for such inspection, which shall accompany such application, shall be twenty-five dollars, payable, whether a license is granted or not, to the department of labor and factory inspection. Said commissioner, at his discretion, may require by a specific written order that the owner of any such building, which, prior to July 1, 1933, was used for manufacturing purposes, shall comply with the provisions of this section.

SEC. 906c. Home workers.—Any person, other than a member of the immediately family residing therein, who, or firm, partnership or corporation, which, shall engage in the manufacture of any products, or parts thereof, in any dwelling house, tenement house, rooming house, apartment house or other residential building, which has been licensed in accordance with section 905c, shall conform in every respect to the provisions of the general statutes governing the registration and operation of manufacturing and mechanical establishments. Any member or members of the immediate family residing in any dwelling house, tenement house, rooming house, apartment house or other residential building, whether licensed for such purpose or not, may use such place of residence for the purpose of manufacturing products, or parts thereof, either on their own behalf, or on behalf of other manufacturing or mechanical establishments located within the State as hereinafter provided. Such home workers shall conform in every respect to the provisions of the general statutes governing the working hours and conditions of women and minors in manufacturing and mechanical establishments, and, in the observance thereof, they shall be subject to inspection under the supervision of said commissioner. Said commissioner shall report to the board of health, humane society or other agency having jurisdiction, any condition believed to be unhealthful, insanitary or otherwise prejudicial to the well-being of such home workers, in order that such condition may be investigated and corrected by such authorized agency.

SEC. 907c. Records of home workers and materials.—Manufacturing and mechanical establishments may furnish materials to be manufactured in whole or in part by home workers, provided such establishments are located within the State and subject to inspection and supervision by said commissioner, or other agencies, as authorized by the general statutes, for the protection of life and health. Such

establishments shall record the names and home addresses of all persons to whom materials for manufacturing purposes have been furnished; also all payments made to such persons for work thus performed. All such records shall be preserved at least three years. They shall be accessible, during the actual operating hours of such establishments, to said commissioner or his representatives upon presentation of properly executed credentials, in order that the inspection and supervision of home work as provided by section 906c, may be conducted freely and expeditiously at the discretion of said commissioner.

SEC. 908c. Penalty.—Any person who, or firm, partnership or corporation which, shall violate any provision of sections 905c to 907c, inclusive, shall be fined not more than five hundred dollars for each separate offense.

1937 SUPPLEMENT TO GENERAL STATUTES, SEC. 575d

SEC. 575d. Industrial home work.—(1) The following terms, as used in this section, shall have the meanings hereinafter specified, unless the context indicates otherwise. (a) "Person" shall mean an individual, a corporation, a partnership, an association, a joint stock company or a trust or any other unincorporated organization, except charitable organizations. (b) "To process" shall mean to manufacture, finish, repair, prepare, alter, pack, wrap or handle any material and the different forms of the verb shall be interpreted in accordance with this definition. (c) "Home" shall mean any dwelling house, tenement house, rooming house, apartment house or other residential building. (2) Except as hereinafter provided, no person shall distribute materials, either directly, indirectly or through an employee, servant, agent or independent contractor or any other third party, to a home for the purpose of having such materials processed and thereafter returned to such person or some one designated by him for any purpose other than the personal use of such person or any member of his family. (3) The commissioner of labor and factory inspection may issue a certificate permitting a person to distribute materials to any individual sixteen years of age or more to be processed in his or her home by such individual only, upon submission of proof that injury or illness, not of a contagious nature, or old age physically incapacitates him or her for work in a factory or other regular place of business, or that his or her services are essential in the home to care for a member of the household; provided the commissioner may issue such certificates to other individuals for processes not requiring mechanical apparatus other than simple hand tools, when he shall find, after a satisfactory showing of proof, that home work is customary in such industry or occupation in the State of Connecticut and that the suspension of such home work would work undue hardship on labor or industry; and provided no certificate permitting home work shall be issued for the processing of materials in any home in which any member of the household has a contagious or communicable disease; and provided the wage rates paid shall not be lower than the wage rates paid within a factory or other place of business for similar work. (4) The commissioner may grant to a reputable employer a certificate permitting such employer to distribute approved materials to be processed in approved homes by home workers having permits, upon proof that such processing in the homes is customary and necessary in such employer's industry, that no harmful or dangerous apparatus or substances are to be used and that the persons who are to do the processing fulfill the requirements specified for home workers in subdivision (3). Each such employer shall pay a fee of twenty-five dollars each year for such certificate of permission. The commissioner may grant a permit to process specified materials in his or her

home to a person who fulfills the requirements for a home worker specified in subdivision (3). The commissioner may revoke any employer's certificate or any home worker's permit, at any time, for cause. (5) No employer shall be granted a permit to distribute materials of any kind to any worker or workers to be processed at home unless such employer shall keep an accurate record of the name and address of each such worker, an accurate description of the kind and amount of materials so distributed, the rates of compensation to be paid for each kind of processing, and the total earnings each week of each worker. Such records shall be available to the inspectors of the department at any time during business hours. (6) The commissioner shall have power to seize, for use as evidence, any goods which are processed in violation of any provision of this section, and any materials which are brought or sent into this State from other States to be processed in Connecticut homes, provided such goods or materials shall be returned to their owners after being used as evidence. (7) Any person who shall violate any provision of this section shall be fined not more than twenty-five dollars for each day such violation shall have been committed or imprisoned not more than thirty days or both, and such violation shall constitute grounds for revoking an employer's certificate or a home worker's permit.

DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA MINIMUM WAGE BOARD ORDER NO. 8, APPLYING TO MANUFACTURING AND WHOLE- SALING OCCUPATIONS¹

TO WHOM IT MAY CONCERN—TAKE NOTICE:

That pursuant to the authority in it vested by an act of Congress approved September 19, 1918 (Public, No. 215, 65th Cong., 40 Stat. 960), the Minimum Wage Board of the District of Columbia, after investigation, being of the opinion that a substantial number of women workers in the manufacturing and wholesaling occupations in the District of Columbia are receiving "wages inadequate to supply them with the necessary cost of living to maintain them in health and protect their morals;" and recommendations of the conference of representatives of employers and employees in the manufacturing and wholesaling occupations in the District of Columbia, together with representatives of the general public, thereafter having been duly made and considered and a public hearing having been duly held upon the said recommendations in the District of Columbia on April 5, 1939, the Minimum Wage Board of the District of Columbia does hereby order that:

1. WORKERS INCLUDED

The workers covered by this order shall include all women and minors engaged in manufacturing and wholesaling occupations.

2. WAGES

No person, firm, association, or corporation shall employ any of the following workers in manufacturing and wholesaling occupations at less than the wages specified, which wages are found to be required "to supply the necessary cost of living to such workers to maintain them in good health and to protect their morals:"

a. **Productive plant workers and all similar workers.**—For each standard workweek of 32 to 44 hours the wage for experienced workers shall be not less than \$16 per week. If employed for less than 32 hours per week, not less than 40 cents per hour. If employed for more than 44 hours per week, not less than one and one-half times the regular hourly rate for each additional hour.

b. **Office workers and all similar workers.**—For each standard workweek of 30 to 44 hours per week not less than \$17 per week. If employed for less than 30 hours per week, not less than 50 cents per hour. If employed for more than 44 hours per week, not less than 50 cents for each additional hour.

c. **Elevator operators.**—For each standard workweek of 40 to 48 hours per week not less than \$17 per week. If employed for less than 40 hours per week, not less than 40 cents per hour.

¹ Issued pursuant to Public, No. 215, 65th Cong., 40 Stat. 960.

d. Maids and cleaners and all similar workers.—For each standard workweek of 40 to 48 hours per week not less than \$14.50 per week. If employed for less than 40 hours per week, not less than 35 cents per hour.

e. Women workers employed on a commission or piece-rate basis.—Women employed on a commission or piece-rate basis shall receive wages not less than the minimum wage established for time workers in section 2 of this order.

f. Home workers.—Women employed on home work shall receive not less than the minimum wage established for plant workers in this order, and records for home workers shall be kept by the employer as specified for all other workers.

3. LEARNERS

(a) Learner's license for adult, female and male minor learners.—No woman or minor, a female or male person under 18 years of age, may be employed at less than the above wages unless such woman, or female or male minor has secured from the Minimum Wage Board a learner's license which must have been applied for in person by said learner on or before the date of the beginning of employment.

(b) Adult learners.—An adult learner is a woman not less than 18 years of age who is employed as a worker under section 2 (a) or (b) of this order, and for whom a learner's license has been issued.

(1) Wage for adult learners (except learners in Graphic Arts Industry) employed as workers under section 2 (a) of this order.—No adult learner shall receive a wage less than \$13 for each standard workweek of 32 to 44 hours for the first 3 months such learner is employed in the manufacturing and wholesaling occupations and not less than \$16 for each such week thereafter. The overtime hourly rate shall be not less than one and one-half times the regular hourly rate.

Limitation on number of adult learners.—Not more than 10 percent of the total number of women workers in section 2 (a) employed full-time in any such establishment may be classified as adult learners; except that in establishments employing from 2 to 10 women full-time, 1 adult learner shall be permitted in each such establishment.

(2) Learners in Graphic Arts Industry.—No learner shall receive a wage less than \$13 for each standard workweek of 32 to 44 hours for the first 6 months such learner is employed in the Graphic Arts Industry; not less than \$14 for each such week in the second 6 months of such employment; not less than \$15 for each such week for the third 6 months of such employment; and not less than \$16 for each such week thereafter. The overtime hourly rate shall be not less than one and one-half times the regular hourly rate. (This applies to minors and adults in Graphic Arts Industry.)

Limitation on number of learners in Graphic Arts Industry.—Not more than one learner in the Graphic Arts Industry shall be allowed for one to four women workers in section 2 (a) employed full-time in each establishment; and provided, further, that not more than one additional learner in the Graphic Arts Industry shall be allowed for every four additional women workers in section 2 (a) employed full-time in each such establishment.

(3) Wage for adult learners employed as workers under section 2 (b) of this order.—No adult learner shall receive a wage less than \$14 for each standard workweek of 30 to 44 hours during her first 6 months of employment. Thereafter, she shall receive not less than \$17 for each standard workweek of 30 to 44 hours. If she is employed for less than 30 hours per week or more than 44 hours per

week, she shall receive not less than 50 cents for each undertime or overtime hour.

Limitation on number of adult learners.—Not more than 10 percent of the total number of women employed full-time under section 2 (b) may be classified as adult learners; except that in establishments employing from 2 to 10 women full time, 1 adult learner shall be permitted in each such establishment.

(c) **Female and male minor learner.**—A minor learner is a female or male person under 18 years of age employed as a worker under section 2 (a) or (b) of this order and for whom a learner's license has been issued.

(1) **Wage for female and male minor learners (except learners in Graphic Arts Industry—see above) employed as workers under section 2 (a) of this order.**—No female or male minor shall receive a wage less than \$13 for each standard workweek of 32 to 44 hours during such person's first 6 months of employment; not less than \$15 for each such week for the second 6 months of employment; thereafter not less than \$16 for each standard workweek of 32 to 44 hours, it being the Board's finding that payment of less than such minimum wages to minors is unreasonably low; *provided, however*, when any female minor learner shall reach the age of 18, she shall be classified as an adult learner or an experienced worker, as the case may be, the employment in the occupation as a minor to be computed upon the same basis as employment for an experienced worker or adult learner. If employed for less than 32 hours in any one week, not less than 35 cents per hour. If employed for more than 44 hours in any one week, not less than one and one-half times the regular hourly wage for each additional hour.

(2) **Wage for female and male minor learners employed as workers under section 2 (b) of this order.**—No female or male minor learner shall receive a wage less than \$14 for each standard workweek of 30 to 44 hours during such person's first 12 months of employment; thereafter not less than \$17 for each standard workweek, it being the Board's finding that payment of less than such minimum wages to minors is unreasonably low: *Provided, however*, when any female minor learner shall reach the age of 18, she shall be classified as an adult learner or an experienced worker, as the case may be, the employment in the occupation as a minor to be computed upon the same basis as employment for an experienced worker or adult learner. No minor learner shall receive wages less than 35 cents per undertime or overtime hour if employed in any week for less than 30 hours per week or more than 44 hours per week.

(d) **Computation of learning period.**—Any period of employment of a learner shall be deemed a part of such learner's experience in the manufacturing and wholesaling occupations whether such period of employment is continuous or occurs in more than one establishment or under more than one employer. All women or minors, female or male, employed in the manufacturing and wholesaling occupations at the time this order becomes effective shall be classified and paid in accordance with their respective periods of employment at wages not less than those specified for their respective classifications in this Order.

If a minor has had 12 months' experience, upon reaching her eighteenth birthday, she shall be paid not less than the experienced woman worker's rate of \$16 or \$17 for each standard workweek according to her classification.

4. RECORDS

Sec. 8. Minimum wage law.—The Board shall have full power and authority: (1) To investigate and ascertain the wages of women and

minors in the different occupations in which they are employed in the District of Columbia; (2) to examine, through any member or authorized representative, any book, pay roll, or other record of any employer of women or minors that in any way appertains to or has a bearing upon the question of wages of any such women or minors; and (3) to require from such employer full and true statements of the wages paid to all women and minors in his employment.

Every employer shall keep a register of the names of the women and minors employed by him in any occupation in the District of Columbia, of the hours worked by each, and of all payments made to each, whether paid by the time or by the piece, and shall, on request, permit any member or authorized representative of the Board to examine such register.

5. REPORTING TIME

Any employee within the provisions of this order who is under general instructions to report for work or any employee who is instructed by any employer to report on a particular day shall, if reporting to work pursuant to such instruction, receive wages computed on the basis of not less than 4 hours of work at the wage at which such employee is classified.

6. WAITING TIME

Time during regular working hours and at other periods when employees are required to wait on the premises and no work is provided by the employer shall be counted as working time and paid for at the individual's regular wage rate.

7. DEDUCTIONS

No person, firm, or corporation shall, as a condition of employment, make any deductions from the minimum wage of an employee save such as may be legally necessary for social security payments.

DEFINITIONS AND INTERPRETATIONS

8. INTERPRETATION OF TERMS "WOMEN" AND "GIRLS"

The minimum-wage standards provided for herein shall apply to all women and to minors of both sexes, and the terms "women" and "girls" when used herein shall be deemed to include boys under 18 years of age.

9. SPREAD OF HOURS

Not more than 12 consecutive hours shall elapse between the beginning and termination of the hours worked by any employee in any 24-hour period and not more than one interval off duty shall be permitted during the course of such 12 consecutive hour period of employment. Time out for meals within the 12-hour spread but not to exceed a total of 1 hour, shall not constitute an interval off duty between shifts.

10. SEPARABILITY CLAUSE

If any section, subsection, sentence, clause, or phrase of this order is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of the order.

11. ADMINISTRATION AND INTERPRETATION

The Board shall have jurisdiction over all questions of fact arising with respect to the administration and interpretation of this order.

EFFECTIVE DATE OF ORDER

This Order shall become effective 60 days from date hereof, to wit: June 5, 1939.

PENALTIES FOR VIOLATION

See U. S. Statutes at Large, 65th Congress, 1917-19, vol. 40, pt. 1, Public Laws, ch. 174, pp. 960-964, quoted in part as follows:

SEC. 12. * * * After such order becomes effective, and while it is effective, it shall be unlawful for any employer to violate or disregard any of its terms or provisions, or to employ any woman worker in any occupation covered by such order, at lower wages than are authorized or permitted therein. * * * Every employer affected by any such order shall keep a copy thereof posted in a conspicuous place in each room in his establishment in which women workers are employed.

SEC. 18. Whoever violates this act, whether an employer or his agent, or the director, officer, or agent of any corporation shall be deemed guilty of a misdemeanor; and, upon conviction thereof, shall be punished by a fine of not less than \$25 nor more than \$100, or by imprisonment for not less than 10 days nor more than 3 months, or by both such fine and imprisonment.

SEC. 19. Any employer and his agent, or the director, officer, or agent of any corporation, who discharges or in any other manner discriminates against any employee because such employee has served or is about to serve on any conference, or has testified or is about to testify, or because such employer believes that said employee may serve on any conference or may testify in any investigation or proceedings under or relative to this act, shall be deemed guilty of a misdemeanor; and, upon conviction thereof, shall be punished by a fine of not less than \$25 nor more than \$100.

ILLINOIS

LAWS OF ILLINOIS, 1937, AN ACT TO REVISE THE LAW REGULATING INDUSTRIAL HOME WORK, FILED JULY 13, 1937. (SENATE BILL NO. 299)

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

SECTION 1. Unless the context otherwise requires, the words and phrases herein defined are used in this Act in the sense given them in the following definitions:

(1) The phrase "industrial home work" means the processing in a home or any part of a home of any article or articles, the material for which has been furnished by an employer, except any article or articles which are being processed solely for the consumption, wearing or use of persons residing in the home where the work is performed.

(2) The phrase "to process" means to manufacture, finish, repair, prepare, or handle, any material or objects in whole or in part.

(3) The word "employer" means any person who distributes materials or objects, directly or indirectly to a home for the purpose of having such materials or objects processed and thereafter returned to him; such processed materials or objects not intended for his personal use or any member of his family.

(4) The word "home" means any building or part of any building where a person regularly resides.

(5) The phrase "industrial home worker" means a person employed in industrial home work.

(6) The word "effective," when applied to a permit, certificate or license means that the permit, certificate or license has not been revoked or suspended, and is applicable to the industrial home work performed.

(7) The word "Department" means the Department of Labor.

SEC. 2. The following kinds of industrial home work are hereby prohibited:

- A. The processing of articles of food or drink.
- B. The processing of drugs or poisons.
- C. The processing and preparation of medical and surgical bandages and dressings, sanitary napkins, and cotton batting.
- D. The processing of fireworks, explosives and articles of similar character.
- E. The processing and preparation of toys and dolls.
- F. The processing and preparation of tobacco.

SEC. 3. The Department is charged with the duty of enforcing the provisions of this Act, and may make, promulgate and enforce such reasonable rules and regulations relating to the administration and enforcement of the provisions of this Act as may be deemed expedient. The violation of any rule or regulation so prescribed shall be punished by revocation or suspension of any permit, certificate or license issued under this Act, all such penalties to be imposed only after due notice and opportunity to be heard.

While engaged in the enforcement of the provisions of this Act the agents and employees of the Department are empowered and author-

ized to enter any home, house, dwelling, tenement, factory, shop or other building and to examine all records, books and registers that may be required to be kept, by the provisions of this Act.

SEC. 4. Before any premises may be used for the purposes of industrial home work the owner of the said premises shall file with the Department, in the prescribed form, an application for a sanitary permit for which no charge shall be made; upon receiving such application, the Department shall make an inspection of the premises to determine if the following conditions are satisfied:

1. There shall be for each person employed not less than 40 square feet of floor space and not less than 300 feet of cubic air space.

2. The ventilation of the workrooms of every kind and description shall provide a supply of not less than 2,000 cubic feet of fresh outside air for each person in each hour that such workroom is so occupied.

3. Every such workroom shall be heated during the winter months or at such other times as such heating may be necessary to a temperature not less than 70° F., and this temperature shall be maintained while such workroom is occupied.

4. That no building or part thereof shall be used as a workroom when the floors and walls of such building or part thereof are continuously damp or when such building or part thereof is permeated by noxious gases or exhalations, which may be detrimental to health.

5. No building or part thereof shall be used as a workroom unless properly lighted during working hours, so that those working therein shall not be subjected to eyestrain at any time during said working hours.

If the Department finds that such conditions are satisfied it shall issue to said owner a permit, valid for 1 year unless sooner revoked or suspended for cause, by the Department.

SEC. 5. Any person desiring to perform any work or labor as an industrial home worker, in his own home, shall file with the department, in the prescribed form, an application for a certificate, for which no charge shall be made. To every such applicant the Department shall issue an industrial home worker's certificate, valid only for work by the applicant in his own home and for one year unless sooner revoked or suspended, for cause, by the Department. No such certificate shall be issued if the applicant has an infectious, contagious or communicable disease or is less than sixteen (16) years of age.

SEC. 6. Any person desiring to become an employer of one or more industrial home workers shall, whether or not he has a place of business in this State, file with the Department, in the prescribed form an application for an employer's permit. Such application shall be accompanied with a fee of \$200.00 for the original issuance of an employer's permit.

For each annual renewal of such permit, the employer or representative contractor shall pay to the Director a fee of

- (a) Fifty dollars, where at no time during the preceding calendar year did the employer or representative contractor directly or indirectly have business relations simultaneously with more than one hundred home workers;

- (b) One hundred dollars, where at any time during the preceding calendar year the employer or representative contractor directly or indirectly had business relations simultaneously with more than one hundred but less than three hundred home workers;

- (c) Two hundred dollars, where at any time during the preceding calendar year the employer or representative contractor directly or indirectly had business relations simultaneously with three hundred or more home workers.

Upon receiving the application accompanied by the proper fee the Department shall issue to such applicant an employer's permit limited to a specified industry or trade and valid for one year unless sooner revoked or suspended for cause, by the Department.

SEC. 7. Every holder of a sanitary permit shall keep an accurate register of all persons engaged in industrial home work on his premises.

Every holder of an employer's permit shall, every six months, submit to the Department, a report consisting of the names and addresses of all industrial home workers whom he is employing.

SEC. 8. No person shall carry on industrial home work in a home, other than a resident therein.

No person shall engage in industrial home work without first complying with the provisions of this Act.

No person shall engage himself as an employer of industrial home workers without first complying with the provisions of this Act.

No employer shall at any time employ in industrial home work a greater number of workers than that prescribed in such employer's permit.

SEC. 9. Any person who violates any of the provisions of this Act, or who obstructs or interferes with any examination or investigation being made by the Department shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00). Each day that such violation continues shall be regarded as a separate and distinct offense.

SEC. 10. "An Act to regulate the manufacture of clothing, wearing apparel and other articles in this State, and to provide for the appointment of State inspectors to enforce the same and to make an appropriation therefor," approved June 17, 1893, as amended, is repealed.

DEPARTMENT OF LABOR DIRECTORY MINIMUM WAGE ORDER NO. 4, APPLYING TO WASH DRESS INDUSTRY ¹

WAGES

Women and minors including those employed on time or piece work basis or as a home worker in the wash-dress industry, shall be paid at rates not less than the following:

1. For women and minors employed in the manufacturing of wash dresses.—\$14.80 a week for a basic week of 40 hours, or 37 cents an hour.

2. For apprentices.—First eight (8) weeks, \$7.40 a week; second eight (8) weeks, \$11.10 a week.

3. Payment for overtime for a week of more than forty (40) hours.—The minimum fair wage fixed herein is based upon the working week of not more than 40 hours. Persons employed beyond 40 hours in any one week shall be paid one and one-tenth ($1\frac{1}{10}$) the hourly rates fixed under wages, section 1.

ADMINISTRATIVE REGULATIONS

1. Learners or apprentices.—Every employer engaged in the wash-dress industry may upon application to the Department of Labor, upon the form furnished by them, request to be permitted to engage learners or apprentices, and shall therein state the number of employees engaged in the production or manufacture of garments in the wash-dress industry at the time of the application, and they shall engage only licensed apprentices who have received licenses as learners or apprentices from the Department.

The number of learners or apprentices shall not exceed 15 percent of the total number of employees, said 15 percent to be designated by the Department.

The apprenticeship period shall consist of not more than 16 weeks, divided into 2 periods of 8 weeks each.

Every learner or apprentice shall file his or her application for a license as an apprentice upon the form supplied by the Department, and it shall be the duty of the Department before issuing a license to such learner or apprentice for the period fixed herein, to first determine if said applicant has been engaged in the production or manufacture of any article in the wash-dress industry for a period of not more than 16 weeks and shall license such person for not more than sixteen (16) weeks.

2. Handicapped.—No woman or minor whose earning capacity is impaired by reason of physical or mental disability may be paid less than the minimum fair-wage standard until a special license is obtained by the employer in accordance with section 9 of the Minimum Wage Law of Illinois.

3. Waiting time.—Time during regular working hours and other periods when an employee is required to wait on the premises and no work is provided by the employer shall be counted as working time and paid at the rate of thirty-seven cents (37 cents) an hour.

¹ Issued pursuant to chapter 48, section 238, of the Revised Statutes of Illinois, 1935.

SEC. 7. Every holder of a sanitary permit shall keep an accurate register of all persons engaged in industrial home work on his premises.

Every holder of an employer's permit shall, every six months, submit to the Department, a report consisting of the names and addresses of all industrial home workers whom he is employing.

SEC. 8. No person shall carry on industrial home work in a home, other than a resident therein.

No person shall engage in industrial home work without first complying with the provisions of this Act.

No person shall engage himself as an employer of industrial home workers without first complying with the provisions of this Act.

No employer shall at any time employ in industrial home work a greater number of workers than that prescribed in such employer's permit.

SEC. 9. Any person who violates any of the provisions of this Act, or who obstructs or interferes with any examination or investigation being made by the Department shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00). Each day that such violation continues shall be regarded as a separate and distinct offense.

SEC. 10. "An Act to regulate the manufacture of clothing, wearing apparel and other articles in this State, and to provide for the appointment of State inspectors to enforce the same and to make an appropriation therefor," approved June 17, 1893, as amended, is repealed.

4. **Meals.**—No deductions shall be made from the minimum fair wage rate for meals furnished to any employee by the employer until the schedule for such deductions has been approved by the Department of Labor and posted in a conspicuous place in the shop.

5. **Uniform.**—Where uniforms are required, the employer shall in no case make deductions for more than the actual cost of the uniform to him.

6. **Records.**—Every employer of women and minor workers shall keep a true and accurate record of the hours worked by each and the wages paid to each, and shall furnish to the Department upon demand a sworn statement of the same. Such records shall be open to inspection by the Department at any reasonable time.

7. **Certificate of age.**—Each employer shall keep on file a certificate of age for each minor employee in his establishment.

8. **Posting.**—Every employer subject to a minimum fair-wage order, whether directory or mandatory, shall keep a copy of such order posted in a conspicuous place in every room in which women or minors are employed. Employers shall be furnished copies of orders on request without charge.

DEFINITIONS

1. The term "person" as used herein means any person, firm or corporation, or partnership.

2. The term "wash-dress industry" means any person engaged in the production or manufacture of women's and children's cotton, rayon, and linen dresses, aprons and uniforms.

3. The term "employee" means any person employed in the "wash-dress industry" as defined in section 2.

4. The term "learner" or "apprentice" as used herein means any person not previously engaged in production or manufacture in the wash-dress industry, as defined in Definitions, section 2.

5. The term "minor" means any male person under twenty-one (21) years of age and any female person under eighteen (18) years of age.

6. The term "home work" means any work done by any person engaged in the production or manufacture of cotton, rayon, and linen dresses, aprons, and uniforms or any part thereof outside of the plant, factory, or workshop of any employer engaged in the wash-dress industry as defined in Definitions, section 2, and includes the production or manufacture of any part of such garments which is to be sold or repurchased or used for or by any person engaged in the wash-dress industry as defined in Definitions, section 2.

7. The term "minimum fair-wage standard" means the minimum fair-wage rates established for women's and children's cotton, rayon, and linen dresses, aprons, and uniforms industry under the provisions of Directory Order No. 4.

PENALTIES AUTHORIZED BY THE MINIMUM WAGE LAW OF ILLINOIS

1. Discrimination against or discharge of any employee because of participation or anticipated participation in any investigation or hearing or serving on a wage board or testifying before a wage board under or relating to the Minimum Fair-Wage Act is a misdemeanor punishable by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00).

2. Failure to comply with the above order may result, after a hearing, in the publication of the name of the employer in any newspaper or newspapers circulating within the State of Illinois, or in such other manner as may be deemed appropriate by the Department of Labor.

3. Failure to keep or furnish the records required is a misdemeanor punishable by a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100), and each day of such failure to keep the records requested under this act or to furnish same to the Department shall constitute a separate offense.

This order shall come into force and be effective on and after May 1, 1938.

Dated November 11, 1937.

INDIANA

BURNS ANNOTATED INDIANA STATUTES, 1933, SECTIONS
40-1010 AND 40-1016 TO 40-1019

SEC. 40-1010. Manufacturing in Tenement Houses.—No room or rooms, apartment or apartments in any tenement or dwelling-house shall be used for the manufacture of coats, vests, trousers, knee-pants, overalls, cloaks, furs, fur trimming, fur garments, shirts, purses, feathers, artificial flowers or cigars, for sale, excepting by the immediate members of the family living therein. No person, firm or corporation shall hire or employ any person to work in any room or rooms, apartment or apartments, in any tenement or dwelling-house, or building in the rear of a tenement or dwelling-house at making, in whole or in part, any vests, coats, trousers, knee-pants, fur, fur trimmings, shirts, purses, feathers, artificial flowers or cigars, for sale, without obtaining first a written permit from the chief inspector, which permit may be revoked at any time the health of the community, or of those employed therein, may require it, and which permit shall not be granted until an inspection of such premises is made by the chief inspector or a deputy inspector, and the maximum number of persons allowed to be employed therein shall be stated in such permit. Such permit shall be framed and posted in a conspicuous place in the room, or in any one of the rooms to which it relates.

* * * * *

SEC. 40-1016. Duty of Prosecuting Attorney.—The prosecuting attorney of any county of this State is hereby required, upon request of the chief inspector, or of any other person of full age, to commence and prosecute to a termination before any court of competent jurisdiction, in the name of the State, actions or proceedings against any person or persons reported to him to have violated the provisions of this act.

SEC. 40-1017. Penalty for Violation.—Any person who violates or omits to comply with any of the provisions of this act, or who refuses to comply with the orders of the chief inspector, properly made under the provisions of this act, or who suffers or permits any young person or child to be employed in violation of its provisions, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not more than fifty dollars (\$50.00) for the first offense, and not more than one hundred dollars (\$100) for the second offense, to which may be added imprisonment for not more than ten (10) days, and for the third offense, a fine of not less than two hundred and fifty dollars (\$250) and not more than thirty (30) days' imprisonment in the county jail.

SEC. 40-1018. Appeal from Orders.—Any person, company, corporation or association aggrieved by any order of the chief inspector may appeal to the circuit court in the county where the person, firm or corporation owns, leases or occupies the factory or buildings in relation to which said order relates, within ten (10) days after notice of such order shall have been given. Said appeal shall operate as a supersedeas, shall be made in writing, and contain a brief statement of the facts and reasons for such appeal and a citation for the chief inspector to appear before said court, and said court, or any judge thereof, may direct the time of appearance and manner of service.

Said court may review the doings of the chief inspector, may examine the question in issue, and may confirm, change or set aside the doings of the chief inspector, in this particular case, and may make such orders in the premises, including orders as to costs, as it may find to be proper and equitable.

Sec. 40-1019. Attorney for State—Fee.—In case of an appeal from any order of the chief inspector, the prosecuting attorney of the circuit court shall appear as counsel for the State to sustain and defend such orders, and in case such order be sustained on such appeal, a fee of twenty-five dollars (\$25.00) shall be taxed against the appellant as the prosecuting attorney's fee, which fee shall be taxed as costs in the case.

MARYLAND

BAGBY'S ANNOTATED CODE OF MARYAND, 1924, ARTICLE 27, SECTIONS 301, 303, 304, 305, 306, AND 308

SEC. 301. No room or apartment in any tenement or dwelling house, and no part of any tenement or dwelling house, shall be used for the purpose of manufacturing, in whole or in part, altering, repairing or finishing therein, any articles whatsoever, except for the exclusive use of the person so using any part of such tenement or dwelling house, or the immediate members of his household, without a license therefor as provided in this section.

Application for such license shall be made to the Chief of the Bureau of Statistics and Information¹ by any member of a family desiring to do such work in any room or apartment of a tenement or dwelling house. Such application shall designate the location of the room or apartment, the number of persons to be employed therein, the street and number of and the full name and address of the owner of the building in which the room or apartment is located, and shall be signed by the applicant. Application blanks shall be prepared and furnished by the Bureau of Statistics and Information in such form as the Chief thereof may determine.

Upon receipt of such application the Chief of the Bureau of Statistics and Information shall consult the records of the local health department or board or other appropriate local authority charged with the duty of sanitary inspection, and if such records show the presence of any infectious, contagious or communicable disease, or the existence of any unsanitary conditions in or about such room or apartment, the Chief of said Bureau may, without making an inspection of the premises, deny such application for a license until such time as the records of the said department, board or other local authority show that the said premises are free from all such infectious, contagious or communicable disease and from all unsanitary conditions. Before, however, any such license is granted, an inspection of the room or apartment sought to be licensed must be made by the duly authorized inspector of the Bureau of Statistics and Information and a statement must be filed in said bureau as a matter of public record to the effect that the records of the local health department or board or other local authority charged with the duty of sanitary inspection do not show the existence of any infectious, contagious or communicable disease or of any unsanitary conditions in or about said room or apartment. Such statement must further show the results of the inspection of such premises and must be dated and signed in ink by the inspector responsible therefor. If the Chief of the Bureau of Statistics and Information ascertain that such room or apartment is free from infectious, contagious or communicable disease and is in proper sanitary condition he shall grant a license permitting the use of such room or apartment for the purpose of manufacturing and stating the number of persons allowed to work therein. An inspection of each licensed tenement or dwelling house workshop

¹ Now Commissioner of Labor and Statistics.

shall be made not less than once in every six months to determine whether or not the conditions under which such license was granted and all laws relating to such premises are being complied with.

No articles shall be manufactured in whole or in part, altered, repaired or finished in any room or apartment of a tenement or dwelling house where there is or has been a case of infectious, contagious or communicable disease until such time as the local department or board of health shall certify to the Bureau of Statistics and Information that such disease has terminated and that the room or apartment has been properly disinfected, if disinfection after such disease is required by law or by the rules and regulations of such department or board. No person, firm or corporation shall hire, employ or contract with any person to manufacture in whole or in part, alter, repair or finish any articles in any room or apartment of any tenement or dwelling house unless a license has been issued therefor as aforesaid. No room or apartment in any tenement or dwelling house shall be used for the manufacture in whole or in part, altering, repairing or finishing of any articles except by the immediate members of the family living therein, which shall be limited to a husband and wife, their children or the children of either. No room or apartment in any tenement or dwelling house shall be used for the manufacture in whole or in part, altering, repairing or finishing of any articles unless such room or apartment contain at least five hundred cubic feet of air space for every person working therein.

Nothing contained in this section shall prevent the employment of a tailor or seamstress by any person or family for the purpose of making, altering, repairing or finishing any article of wearing apparel for the use of such person or family. This section shall not apply to any workshop on the main or ground floor of any tenement or dwelling house, which is not used for sleeping or cooking, which has a separate entrance to the street and which is entirely separate from the rest of the building.

* * * * *

Sec. 303. Every employer or manufacturer, whether a person, firm or corporation, contracting for the manufacture in whole or in part, altering, repairing or finishing of any articles in a tenement or dwelling house, or in any room or workshop outside of his, their or its own establishment, or giving out of materials from which they or any part of them are to be manufactured, altered, repaired or finished, in a tenement or dwelling house, or in any room or workshop outside of his, their or its own establishment, shall keep a register of the names and addresses, plainly written in English, of the persons to whom such articles or materials are given to be so manufactured, altered, repaired or finished or with whom such employer or manufacturer has contracted to do the same, and shall issue with all such articles or materials a label bearing the name and place of business of such employer or manufacturer legibly written or printed in English.

It shall be the duty of every employer or manufacturer and of every person contracting for the manufacture, altering, repairing or finishing of any articles or giving out any such articles or materials to ascertain from the Bureau of Statistics and Information whether or not the room or apartment in which such articles or materials are to be manufactured, altered, repaired or finished is licensed as provided in this Act; and none of the said articles nor any material from which they or any part of them are to be manufactured, altered, repaired, or finished shall be given out or sent to any person to be so worked upon in any room or apartment of a tenement or dwelling house or workshop outside of his, their or its own establishment which is not licensed as provided in this sub-title.

The register mentioned in this section shall be subject to inspection by any inspector of the Bureau of Statistics and Information, and a

copy thereof, as well as such other information in regard thereto as such inspector may require shall be furnished upon demand.

SEC. 304. Any license granted under Sections 301 and 302 may be revoked by the Chief of the Bureau of Statistics and Information if the licensee thereunder, or his or its duly authorized agent, shall fail, refuse or neglect to comply with any of the conditions under which same was granted, or with any law relating to the premises licensed, or if the health of the community or of the persons employed thereunder requires it.

SEC. 305. No room or apartment in any tenement or dwelling-house shall be used except by the immediate members of the family living therein, which shall be limited to a husband and wife, their children, or the children of either, for the manufacture of coats, vests, trousers, knee pants, overalls, cloaks, hats, caps, suspenders, jerseys, blouses, waists, waistbands, underwear, neckwear, furs, furtrimmings, furgarments, shirts, purses, feathers, artificial flowers, cigarettes, or cigars. No room or apartment in any tenement or dwelling-house shall be used by any family or part of family until a permit shall first have been obtained from the chief of the bureau of industrial statistics, stating the maximum number of persons allowed to be employed therein. Such permit shall not be granted until an inspection of such premises has been made by the inspector or his assistant, named by the chief of the bureau of industrial statistics, and such permit may be revoked by the said chief of the bureau of industrial statistics at any time the health of the community or those employed or living therein may require it. No person, firm or corporation shall work in, or hire or employ any person to work in any room or apartment in any building, rear building, or building in the rear of a tenement or dwelling-house, at making in whole or in part, any of the articles mentioned in this section, without first obtaining a written permit from the chief of the bureau of industrial statistics stating the maximum number of persons allowed to be employed therein. Such permit shall not be granted until an inspection of such premises has been made by the factory inspector or his assistant, named by the chief of the bureau of industrial statistics, and such permit may be revoked by the chief of the bureau of industrial statistics at any time the health of the community or of those so employed may require it. All families, persons, firms or corporations now engaged in such manufacture in such tenement or dwelling-house or other building, shall apply for such permit on or before July 1, 1902, and annually thereafter at the same date. The said permit shall be posted in a conspicuous place in the room, or one of the rooms to which it relates. Every person, firm or corporation contracting for the manufacture of any of the articles mentioned in this section, or giving out the incomplete materials from which they or any of them are to be made, or to be wholly or partially finished, or employing persons in any tenement or dwelling-house, or other building, to make, wholly or partly finish, the articles mentioned in this section, shall keep a written register of the names and addresses of all persons to whom such work is given to be made, or with whom they may have contracted to do the same. Such register shall be produced for inspection, and a copy thereof shall be furnished on demand made by the chief of the bureau of industrial statistics or one of his deputies.

SEC. 306. The chief of the bureau of industrial statistics, or his assistant, or any inspector, shall have authority to enter any room in any tenement or dwelling house, workshop, manufacturing establishment, mill, factory or place where any goods are manufactured, for the purpose of inspection. The person, firm or corporation owning or controlling or managing such places shall furnish access to and information in regard to such places to the said

chief of the bureau of industrial statistics or his deputies at any and all reasonable times while work is being carried on.

* * * * *

SEC. 308. Any person, firm, or corporation who shall in any manner violate the provisions of sections 305, 306, 307, 297, 301, 302, 303 and 306, or who shall refuse to give such information and access to the Chief of the Bureau of Industrial Statistics or his deputies, or secure such permit as provided, shall, upon conviction in any court of competent jurisdiction, be fined not less than five dollars nor more than one hundred dollars, or imprisoned not less than ten days nor more than one year, or both, in the discretion of the court, such fines to be collected as all fines are collected by law.

MASSACHUSETTS

ACTS AND RESOLVES OF MASSACHUSETTS, 1937, CHAP. 429

AN ACT REGULATING INDUSTRIAL HOME WORK

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law necessary for the immediate preservation of the public health and convenience.

Be it enacted, etc., as follows:

Chapter 149 of the General Laws is hereby amended by striking out sections 143 to 147, inclusive, and the heading above said section 143, all as appearing in the Tercentenary Edition and section 147A, as inserted by chapter 234 of the acts of nineteen hundred and thirty-two, and inserting in place thereof, under the heading "Industrial home work," the following thirteen new sections:—

SEC. 143. Definitions.—The following words, as used in this section and in sections 144 to 147H, inclusive, unless the context otherwise requires, shall have the following meanings:—

"Employer," any person who, directly or indirectly or through an employee, agent, independent contractor or any other person, delivers to another person any materials or articles to be manufactured in a home and thereafter to be returned to him for use other than the personal use of himself or of a member of his family.

"Home," any room, house, apartment or other premises, whichever is most extensive, used in whole or in part as a place of dwelling.

"Industrial home work," any manufacture in a home of materials or articles for an employer.

The verb "to manufacture," as used in its different moods and tenses, includes to prepare, alter, repair or finish in whole or in part.

SEC. 144. Manufacture of certain goods, etc., at home prohibited.—The manufacture of any of the following by industrial home work shall be unlawful, and no permit issued under section 147 or certificate issued under section 147A shall be deemed to authorize such manufacture or the delivery of materials for such manufacture: tobacco; drugs and poisons; bandages and other sanitary goods; explosives, fireworks and articles of like character; articles, the manufacture of which by industrial home work is determined by the commissioner, after investigation and hearing in the manner provided by sections 145 and 146 to be injurious to the health or welfare of the industrial home workers within the industry or to render unduly difficult the maintenance of existing labor standards or the enforcement of labor standards established by law or regulation for factory workers in the industry.

SEC. 145. Investigations.—The commissioner may, and on petition of fifty or more residents of the commonwealth shall, make or cause to be made an investigation of any industry which employs industrial home workers, in order to determine whether the wages and conditions of employment of industrial home workers in such industry are injurious to their health and welfare, or whether the wages and conditions of employment of such industrial home workers have the effect of rendering unduly difficult the maintenance of existing labor standards or the enforcement of labor standards established by law or regulation for factory workers in the industry. If, on the basis of information in his possession, with or without an investigation as provided in this section, the commissioner shall find that indus-

out injuring the health and welfare of the industrial home workers trial home work cannot be continued within a certain industry within such industry, or without rendering unduly difficult the maintenance of existing labor standards or the enforcement of labor standards established by law or regulation for factory workers in such industry, the commissioner shall by order declare such industrial home work unlawful and require all employers in such industry to discontinue the furnishing within the commonwealth of material for industrial home work, and no permit issued under section 147 shall be deemed thereafter to authorize the furnishing of materials for industrial home work prohibited by such order.

SEC. 146. Hearings.—Before making such order the commissioner shall hold a public hearing or hearings at which an opportunity to be heard shall be afforded to any employer, or representative of employers, and any industrial home worker, or representative of industrial home workers, and any other person or persons, having an interest in the subject matter of the hearing. At least 30 days before any such hearing is held public notice thereof shall be given in such manner as may be determined by the commissioner. Such hearing or hearings shall be held in such place or places as the commissioner shall deem most convenient to the employers and industrial home workers to be affected by such order. The commissioner shall determine the effective date of such order, which date shall be not less than 90 days after the date of its promulgation.

SEC. 147. Permits to deliver materials.—No materials for manufacture by industrial home work shall be delivered to any person in the commonwealth unless the employer so delivering them, or his agent if the employer is not a resident of this commonwealth, has in his possession a valid permit issued by the commissioner under authority of this section, hereinafter and in sections 147A to 147H, inclusive, called an employer's permit. Such permit shall be issued by the commissioner upon payment of a fee of fifty dollars and, subject to the last sentence of section 145, shall be valid for a period of one year from the date of its issuance, unless sooner revoked or suspended. Application for such permit shall be made in such form as the commissioner may from time to time by rule or regulation prescribe. No employer shall deliver or cause to be delivered any materials or articles for manufacture by industrial home work to a person who is not in possession of a valid employer's permit, or a home worker's certificate issued in accordance with this or the following section. The commissioner may revoke or suspend an employer's permit if he finds that the employer has violated any provision of sections 144 to 147H, inclusive, or has failed to observe or comply with any provision of his permit.

SEC. 147A. Certificates for home work required.—No person shall engage in industrial home work within the commonwealth unless he has in his possession a valid certificate issued to him by the commissioner under authority of this section, hereinafter and in sections 147B to 147H, inclusive, called a home worker's certificate. Such certificate shall be issued by the commissioner without cost and shall be valid for a period of one year from the date of its issuance, unless sooner revoked or suspended. Application for such certificate shall be made in such form as the commissioner may from time to time by rule or regulation prescribe. Such certificate shall be valid only for work performed by the applicant himself in his own home. No home worker's certificate shall be issued to any person under the age of fourteen years, or to any person suffering from an infectious, contagious or communicable disease or living in a home that is not clean, sanitary and free from infectious, contagious or communicable disease. The commissioner may revoke or suspend any home worker's certificate if he finds that the holder thereof is performing industrial home work contrary to the conditions under which the certificate was issued or in

violation of any pertinent provision of sections 144 to 147H, inclusive, or has permitted any person not holding a valid home worker's certificate to assist him in performing his industrial home work.

SEC. 147B. Materials, etc., to be labeled.—No employer shall deliver or cause to be delivered to any person any materials or articles to be manufactured by industrial home work unless there has been conspicuously affixed to each article or, if impossible so to affix, then to the package or other container in which such goods are delivered or are to be kept, a label or other mark of identification bearing the employer's name and address, printed or written legibly in English.

SEC. 147C. Penalty.—Any article which is being manufactured in a home in violation of any provision of sections 144 to 147H, inclusive, may be removed by the commissioner and may be retained by him until claimed by the employer. The commissioner shall give notice, by registered mail, of such removal to the person whose name and address are affixed to the article, package or container as provided in section 147B. Unless the article so removed is claimed within thirty days following the giving of such notice, it may be destroyed or otherwise disposed of.

SEC. 147D. Records to be filed with commissioner.—No person in possession of an employer's permit shall deliver or receive, or cause to be delivered or received, any articles for or as a result of industrial home work unless he shall keep in such form, and forward to the commissioner at such intervals as the commissioner may by rule or regulation prescribe and on such blanks as he may provide, a record of all persons engaged in industrial home work on materials furnished or distributed, or caused to be furnished or distributed, by such person, of all places where such persons work, of all articles which such persons have manufactured, of the net cash wages received by each industrial home worker, of all agents or contractors to whom such permittee has furnished materials to be manufactured by industrial home work, and of all persons from whom he has received materials to be so manufactured.

SEC. 147E. Rules and regulations.—The department shall make rules and regulations for the enforcement of sections 144 to 147H, inclusive. Violation of any such rule or regulation shall be punished as provided in section 147G. The commissioner and the authorized representatives of the department shall make all inspections and investigations necessary for the enforcement of said sections.

SEC. 147F. Witnesses may be summoned, etc.—In making any investigation or examination under authority of any provision of sections 144 to 147H, inclusive, the commissioner or his duly authorized representative may require the attendance and testimony of witnesses and the production of books, papers, contracts and documents relating thereto. Witnesses shall be summoned in the same manner and shall be paid the same fees as witnesses before the superior court in civil cases. The commissioner or any such representative may administer oaths to witnesses or take their affirmation. If any person summoned and paid as a witness refuses to attend, or to be sworn or to affirm, or to answer any question, or to produce any book, contract, document or paper pertinent to the matter before the commissioner or such representative, a justice of the supreme judicial or the superior court, upon application by said commissioner or such representative, may issue an order requiring such person to appear before said commissioner or representative, and to produce his books, contracts, documents and papers, and to give evidence relating to the matter in question. Upon application by the commissioner or such representative, commissions to take depositions of persons without the commonwealth may be issued by a justice of the supreme judicial or the superior court, to be used in hearings before the commissioner or such representative, and all laws and rules relating to such commissions in civil actions shall apply to commissions issued hereunder.

SEC. 147G. General penalties.—In addition to any penalties otherwise prescribed in sections 144 to 147H, inclusive, any employer who, without having in his possession a valid employer's permit, delivers or causes to be delivered to another person any materials for manufacture by industrial home work, or who refuses to allow the commissioner or his authorized representative to enter his place of business for the purpose of making any investigation authorized by any provision of said sections 144 to 147H, inclusive, or necessary to carry out any provision thereof, or who refuses to permit the commissioner or his authorized representative to inspect or copy the pay roll or other records or documents relating to the enforcement of said sections, or who falsifies such records or documents or any statement which he is required by the commissioner or said representative, acting under authority of said sections, to make, or who otherwise violates any provision of said sections or any provision of his permit, shall be punished by a fine of fifty dollars, or by imprisonment for not more than two months, or both.

SEC. 147H. Application of sections limited.—The provisions of sections 143 to 147G, inclusive, shall not apply to organizations incorporated in the commonwealth for educational or philanthropic purposes, or to home work performed under the supervision of the division of the blind in the department of education. Persons doing work for such organizations shall not be required to have a certificate to permit them to do such work.

RULES AND REGULATIONS FOR THE CONTROL OF INDUSTRIAL HOME WORK (DEPARTMENT OF LABOR AND INDUSTRIES), EFFECTIVE NOVEMBER 2, 1937

The following rules and regulations for the control of industrial home work were adopted by the department on November 2, 1937, under the authority of Section 147e of Chapter 149 of the General laws (Ter. Ed.) which provides that the Department shall make rules and regulations for the enforcement of the act to regulate industrial home work.

1. No employer of industrial home workers shall establish as a rate of pay a sum less than the rate paid in his factory, or, if he has no factory, the prevailing rate paid in factories doing this type of work, after determination by the Commissioner.

The rates shall not be less than the minimum wage rate established by the Massachusetts Minimum Wage Commission.

2. Employers shall furnish the material to be used by the home worker to his residence or shall pay the cost of all transportation of the worker or the material to and from the plant.

3. Laws restricting home work are applicable to all persons thus employed. A home worker employed in the factory and in the home is permitted to work for not more than nine hours in any one day or more than forty-eight hours in a week in both places under these circumstances.

4. Employers must notify the Department each month the names and addresses of all agents or contractors to whom they have furnished material for home work.

5. Specimens of labels or other marks of identification, bearing the employer's name and address, must be approved by the Department.

6. A home worker's certificate will not be granted to any person under the age of eighteen years until after a hearing or permission has been granted by the Department.

7. The Department shall investigate the home of all applicants prior to the granting of the home worker's first certificate and from time to time thereafter. Such certificates are not transferable. This certificate is issued only for the residence inspected at the time of application

and becomes voided if the holder removes to another location, but it may be reissued upon application to and inspection by the Department. No person may engage in industrial home work except the one to whom the certificate has been issued.

8. Employers shall be required to report monthly to the department, on a form provided by the Department, a list of names, addresses and ages of all persons employed by them doing industrial home work and shall be required to report such other information relative to this subject as the Department may from time to time require.

PENALTY: Whoever violates any provisions of the statute or any provision of his permit shall be punished by a fine of fifty dollars or by imprisonment for not more than two months, or both. (Sec. 147g, chapter 149, of the G. L., Ter. Ed.)

GENERAL LAWS OF MASSACHUSETTS, TERCENTENARY EDITION, 1932, CHAPTER 149, SECS. 56, 57, 59, 60, 65-67, 78, AND 81 (as amended)

SEC. 56. Hours of labor for women and children.—No child and no woman shall be employed or permitted to work in, or in connection with, any factory or workshop, or any manufacturing, mercantile or mechanical establishment, telegraph office or telephone exchange, or any express or transportation company, or any laundry, hotel, manicuring or hair dressing establishment or motion picture theater, or be employed as an elevator operator, or as a switchboard operator in a private exchange, more than nine hours in any one day; and in no case shall the hours of labor exceed forty-eight in a week, except that in manufacturing establishments or hotels where the employment is determined by the department to be by seasons, the number of such hours in any week may exceed forty-eight, but not fifty-two, provided that the total number of such hours in any year shall not exceed an average of forty-eight hours a week for the whole year, excluding Sundays and holidays; and if any child or woman shall be employed or permitted to work in more than one such place, the total number of hours of such employment shall not exceed forty-eight hours in any one week. * * *

SEC. 57. Penalty for violation of preceding section.—A parent or guardian who permits a child under his control to be employed in violation of the preceding section, and any person who, either for himself or as superintendent, overseer or agent for another, employs any person in violation of said section, or fails to post or keep posted any notice as required by it, or makes a false report of the stopping of machinery, shall be punished by a fine of not less than fifty nor more than one hundred dollars.

* * * * *

SEC. 59. Night labor for women. Penalty.—No person, and no agent or officer of a person, shall employ a woman over twenty-one or a girl under twenty-one in any capacity in manufacturing or mechanical establishments before six o'clock in the morning or after ten o'clock in the evening, * * * Whoever violates any provision of this section shall be punished by a fine of not less than twenty nor more than fifty dollars.

SEC. 60. Employment of children under fourteen.—Except as provided in section 69, no person shall employ a minor under fourteen or permit him to work in or about or in connection with any factory, work shop, manufacturing, mechanical or mercantile establishment, barber shop, bootblack stand or establishment, public stable, garage, brick or lumber yard, telephone exchange, telegraph or messenger office, or in the construction or repair of buildings,

or in any contract or wage earning industry carried on in tenement or other houses, * * * No such minor shall be employed at work performed for wage or other compensation, to whomsoever payable, during the hours when the public schools are in session, nor, except as provided in section 69, shall he be employed at work before half past six o'clock in the morning or after six o'clock in the evening.

* * * * *

SEC. 65. Hours of labor of children under sixteen.—No person shall employ a minor under sixteen or permit him to work in, about, or in connection with any establishment or occupation named in section 60, or for which an employment certificate is required, for more than six days in any one week, or more than forty-eight hours in any one week, or more than eight hours in any one day, or, except as provided in section 69, before half past six o'clock in the morning, or after six o'clock in the evening. The time spent by such a minor in a continuation school or course of instruction as required by section 22 of chapter 71 shall be reckoned as a part of the time he is permitted to work.

SEC. 66. Hours of labor of boys under eighteen and girls under twenty-one.—No person shall employ a boy under eighteen or a girl under twenty-one or permit such a boy or girl to work in, about or in connection with any establishment or occupation named in section 60 before five o'clock in the morning or after ten o'clock in the evening, or in the manufacture of textile goods or leather after six o'clock in the evening; provided, that girls under twenty-one may be employed as operators in regular service telephone exchanges until, but not after, eleven o'clock in the evening. * * *

SEC. 67. Hours of labor of boys under eighteen and girls under twenty-one.—Except as limited by section 56, no person shall employ a boy under eighteen or a girl under twenty-one or permit such a boy or girl to work in, about or in connection with any establishment or occupation named in section 60 for more than six days in a week, or more than fifty-four hours in a week, or more than ten hours in a day.

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SEC. 78. Penalty for violation of.—Whoever, by himself or for others, or through agents, servants, or foremen, employs, induces or permits any minor to work contrary to any provision of sections 60 to 74, inclusive, shall, except as provided in section 61, be punished for a first offence by a fine of not less than ten nor more than fifty dollars or by imprisonment for not more than one month, or both, and for a subsequent offense by a fine of not less than fifty nor more than two hundred dollars or by imprisonment for not more than two months, or both. The employment of any minor in violation of any provision of said sections, after the person employing such minor has been notified thereof in writing by any authorized inspector or supervisor of attendance, shall constitute a separate offense for every day during which the employment continues. * * *

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SEC. 81. Penalty on parent or guardian, etc.—Any parent, guardian or custodian having a minor under his control who compels or permits such minor to work in violation of any provision of sections 60 to 74, inclusive, or knowingly certifies to any materially false statement for the purpose of obtaining the illegal employment of such minor, shall for a first offense be punished by a fine of not less than two nor more than ten dollars or by imprisonment for not more than five days, or both; and for a subsequent offense by a fine of not less than five nor more than twenty-five dollars or by imprisonment for not more than ten days, or both.

MICHIGAN

COMPILED LAWS, MICHIGAN, 1929, SECS. 8337 AND 8354

SEC. 8337. Garments or tobacco; places of manufacture, permit, posting; registers; work rooms; contagious diseases, unclean articles, treatment.—No room or apartment in any tenement or dwelling house shall be used for the manufacture of coats, vests, trousers, knee pants, overalls, skirts, dresses, cloaks, hats, caps, suspenders, jerseys, blouses, waists, waist-bands, underwear, neckwear, furs, fur trimming, fur garments, shirts, hosiery, purses, feathers, artificial flowers, cigarettes or cigars, and no person, firm or corporation shall hire or employ any persons to work in any room, apartment or in any building or parts of buildings, at making in whole or in part any of the articles mentioned in this section, without first obtaining a written permit from the factory inspector or one of his deputies, stating the maximum number of persons allowed to be employed therein and that the building or part of building intended to be used for such work or business is thoroughly cleaned, sanitary and fit for occupancy for such work or business. Such permit shall not be granted until an inspection of such premises is made by the factory inspector or one of his deputies. Said permit may be revoked by the factory inspector at any time the health of the community or of those so employed may require it. It shall be framed and posted in a conspicuous place in the room, or in one of the rooms to which it relates. Every person, firm, company or corporation contracting for the manufacture of any of the articles mentioned in this section, or giving out the incomplete material from which they or any of them are to be made, or to be wholly or partially finished, shall, before contracting for the manufacture of any of said articles, or giving out said material from which they or any of them are to be made, require the production by such contractor, person or persons of said permit from the factory inspector, as required in this section, and shall keep a written register of the names and addresses of all persons to whom such work is given to be made, or with whom they may have contracted to do the same. Such register shall be produced for inspection and a copy thereof shall be furnished on demand by the factory inspector or one of his deputies: *Provided*, That nothing in this section shall be so construed as to prevent the employment of a seamstress by any family for manufacturing articles for such family use. None of the work mentioned in this section shall be done in any room or apartment used for living or sleeping purposes, or which is connected with the room or rooms used for such purposes, and which has not a separate and distinct outside entrance for use of others than members of the family dwelling therein. Not less than two hundred fifty cubic feet of air space shall be allowed for each person employed, and all work rooms shall be provided with sufficient means of light, heat and ventilation as may be prescribed by the chief factory inspector. It shall be the duty of local boards of health, health officers and physicians to report within twenty-four hours to the deputy factory inspector in their respective districts each and every case of contagious or infectious disease coming officially to their knowledge. The chief factory inspector or any duly appointed deputy factory inspector shall have power to seize and take charge of all articles found that are being made or partially made, finished, cleaned or repaired in

unhealthy or insanitary places where there are contagious or infectious diseases, in violation of the law, and may proceed to disinfect, condemn or destroy the same as in the opinion of the local board or health officer, the public health or safety may require. Whenever it is reported to the chief factory inspector or to the state board of health, or to either of them, that any of the articles named in this section are being or have been shipped into this state, having previously been manufactured in whole or in part under unhealthy conditions, said chief factory inspector shall examine said goods and the condition of their manufacture, and if upon such examination said goods or any of them are found to contain vermin or to have been made in improper places or under unhealthy conditions, he shall make report thereof to the state board of health, which board shall thereupon make such order or orders as the public health and safety may require: *Provided*, That in stores where goods are manufactured, altered or repaired, work rooms shall be provided with proper heat, light and ventilation, as prescribed in this section.

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SEC. 8354. Penalty.—Any person who violates or omits to comply with any of the foregoing provisions of this act, or who interferes in any manner with the factory inspector in the discharge of his duties, or who suffers or permits any child or female to be employed in violation of its provisions, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than ten (10) nor more than one hundred (100) dollars or by imprisonment for not less than ten (10) nor more than ninety (90) days, or by both such fine and imprisonment in the discretion of the court.

MISSOURI

REVISED STATUTES, MISSOURI, 1929, SECTIONS 13279-
13281

SEC. 13279. Manufacturing of articles in dwelling houses.—No room or apartment in any tenement or dwelling house shall be used by more than three persons, not immediate members of the family living therein, for the manufacture of any wearing apparel, purses, feathers, artificial flowers or other goods for male or female wear. Every person, firm or corporation contracting for the manufacture of any of the articles mentioned in this section, or giving out the complete material from which they are to be made, or to be wholly or partially finished, shall keep a register of the names and addresses of all persons to whom such work is given to be made or with whom they have contracted to do the same. Such register shall be produced for the inspection, and a copy thereof shall be furnished to the commissioner of labor and industrial inspection on demand.

SEC. 13280. Sale of tenement-made articles prohibited.—No person, firm, or corporation shall knowingly sell or expose for sale any of the articles mentioned herein when such articles were made in violation of this article; and the commissioner of labor and industrial inspection, his deputy or any officer appointed to enforce the provisions of this article, who shall find any such articles made in violation of the provisions of this article, or who shall find that the articles herein mentioned are made under unclean or unhealthy conditions, shall conspicuously affix thereto a label containing the words "tenement made" or "made under unhealthy conditions," as the case may be, printed in plain letters on a tag not less than two inches in length, and it shall be unlawful to remove such tag except by the permission of the commissioner of labor and industrial inspection or the officer under whose direction such label was affixed.

SEC. 13281. Penalty.—Any person, firm or corporation engaged in the manufacture or sale of the articles herein mentioned who shall violate or who shall fail to comply with the provisions of this article, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by a fine of not less than ten nor more than fifty dollars, or by imprisonment in the county jail for a period of not more than ten days, or by both such fine and imprisonment.

NEW JERSEY

REVISED STATUTES OF NEW JERSEY, 1937, SECTIONS
34:6-120 TO 34:6-136

SEC. 34:6-120. Short title of article.—This article may be cited by its short title as "the home work law."

SEC. 34:6-121. Tenement defined.—Within the meaning of this article a tenement is any house or building or portion thereof which is rented, leased, let or hired out to be occupied or is occupied as the home or residence of three families or more, living independently of each other and doing their cooking upon the premises.

SEC. 34:6-122. License required.—No dwelling, tenement, or room therein, or building situated immediately in the rear of a tenement or dwelling shall be used for the purpose of manufacturing, altering, repairing, finishing or distributing therein, for hire or reward, any goods whatsoever unless a license is secured therefor, as provided in this article.

SEC. 34:6-123. Application for license.—Application for such a license shall be made to the commissioner by any family or member thereof, or any person desiring to manufacture, alter, repair, finish or distribute any goods in any dwelling, tenement, or room therein, or building situated immediately in the rear of a tenement or dwelling. Each license shall run continuously for a period of one year, whereupon a new or further license must be obtained. Each application for such a license shall describe the dwelling, tenement, room, or building, shall specify the number of persons to be employed therein, and be in such form as the commissioner may determine. Blank applications shall be prepared and furnished by the commissioner.

SEC. 34:6-124. Investigation before granting license.—Before any such license is granted, an inspection of the dwelling, tenement, room, or building sought to be licensed, shall be made by the commissioner, factory inspector or investigator. If the commissioner or such inspectors or investigators ascertain that such dwelling, tenement, room or building is in a clean and proper sanitary condition, and that the goods specified in the application may be manufactured, altered, repaired, finished or distributed therein under clean and healthful conditions, the commissioner shall grant the license.

SEC. 34:6-125. Number of employees.—Each license shall state the maximum number of persons who may be employed in the dwelling, tenement, room, or building. The number shall be determined by the number of cubic feet of air space contained in each room mentioned in the license, allowing not less than two hundred and fifty cubic feet for each person employed between the hours of six o'clock in the morning and six o'clock in the evening, unless by special written permit of the commissioner and not less than four hundred cubic feet for each person employed therein between the hours of six in the evening and six in the morning, but no permit shall be issued unless the dwelling, tenement, room, or building has suitable light at all times during work hours.

SEC. 34:6-126. License to be posted; revocation.—The license must be posted in a conspicuous place in the room or rooms where the work is carried on. The license may be revoked by the commissioner if

the health of the community or of the employees requires it, or if it appears that the place to which the license relates is not in a healthy and proper sanitary condition. Every room in which goods are manufactured, altered, repaired, finished or distributed shall be kept in a clean and sanitary condition, and shall be subject to examination and inspection by the commissioner, factory inspectors, investigators, local boards of health, or tenement house inspectors for the purpose of ascertaining whether the goods, or any part or parts thereof, are clean and free from vermin and every matter of infectious or contagious nature.

SEC. 34:6-127. Diseases to be reported.—Any person holding such license shall immediately report to the department any case of infectious or contagious disease occurring in the place covered by the license. If the commissioner, factory inspector, investigator, local board of health, or tenement house inspector shall find evidence of infectious or contagious disease present in any place subject to the provisions of this article he or it shall issue such orders as the public health may require and shall condemn and destroy such infectious and contagious goods.

SEC. 34:6-128. Contracts to manufacture in unlicensed place unlawful.—It shall be unlawful for any person to contract to manufacture, alter, repair, finish or distribute for such purposes any goods whatsoever in an unlicensed dwelling, tenement or room therein or building situated immediately in the rear of a tenement or dwelling, not licensed as provided in this article. It shall also be unlawful for any person to receive from, handle or convey to others or to sell, offer for sale, to expose for sale or hold in stock any goods that have been manufactured or altered or repaired or finished or distributed for such purposes in any such unlicensed dwelling, tenement, room, or building.

SEC. 34:6-129. Separate living quarters; toilets.—The commissioner may, when he deems it necessary, require that any and all rooms to which this article applies, shall be separate from and have no door, window or other opening into any living or sleeping room. He may further require or direct a separate outside entrance to the rooms where the work is carried on, and if such work is carried on above the first floor, he may direct that a separate and distinct stairway leading thereto be constructed and every such room shall be well and sufficiently heated and ventilated by ordinary, or, if necessary, by mechanical appliances. He may also require suitable closet arrangements and separate toilets when and as he deems it necessary.

SEC. 34:6-130. Contract record.—Any person, by himself or by his agent, contracting for the manufacturing, altering, repairing, finishing or distributing in any place regulated by this article of any goods whatsoever, shall keep a register of the names and addresses plainly written in English of the persons to whom the article or goods are given, and the place where the articles are to be so manufactured, altered, repaired, finished or distributed. The register shall be subject to inspection on demand by the commissioner or factory inspectors or investigators, and a copy thereof shall be furnished at his or their request.

SEC. 34:6-131. Manufacture of infants' clothing, dolls and dolls' clothing prohibited in tenement houses.—The manufacturing, altering, repairing or finishing in whole or in part, or distributing for the purposes thereof, of any dolls, dolls' clothing, articles of children's or infants' wearing apparel in any tenement house is hereby prohibited, notwithstanding anything to the contrary elsewhere in this article.

SEC. 34:6-132. Infants' and dolls' clothing and dolls; manufacture in dwelling.—No license to manufacture, alter, repair or finish in whole or in part, or distribute for the purposes thereof, any dolls, dolls' clothing, or articles of children's or infants' wearing apparel, shall be granted for any dwelling unless the applicant shall also first secure the approval of the local board of health.

SEC. 34:6-133. Tailors and seamstresses exempted.—Nothing in this article shall be held to prevent the employment of a tailor or seamstress by any person for the purpose of making, altering, repairing or finishing any articles of wearing apparel for the personal use of such person or for the personal use of his family.

SEC. 34:6-134. Penalty.—Any corporation, the officers and agents thereof, the members of any firm, the agents thereof, and any other person who shall violate any of the provisions of this article shall be liable to a penalty of twenty-five dollars for the first violation and fifty dollars for each subsequent violation.

SEC. 34:6-135. Disorderly house.—Any place where manufacturing, altering, repairing, finishing or distributing for the purposes thereof, of any goods, for hire or reward, is habitually carried on in violation of this article shall be deemed a disorderly house, and the officers or agents of any corporation, the members of any firm, and any other person owning, operating or managing the business shall be deemed to be guilty of keeping a disorderly house, and upon conviction thereof, shall be fined a sum of not to exceed five hundred dollars, or shall be imprisoned for a term not to exceed two years, or both.

SEC. 34:6-136. Recovery of penalties; procedure; disposition.—Any penalty for violation of this article shall be recovered in an action at law brought in the name of the commissioner in the court of common pleas of any county or in the district court of any city or judicial district or in the small cause court of any county having no district court or judicial district located therein. The practice and procedure shall conform to the practice and procedure prevailing in the court in which the action is instituted. A penalty recovered shall be delivered by the clerk of the court or the judge to the commissioner and by him paid into the treasury of this state.

DEPARTMENT OF LABOR DIRECTORY MINIMUM-WAGE ORDER NO. 2, APPLYING TO LIGHT MANUFACTURING OCCUPATIONS¹

WAGES

WOMEN AND MINORS EMPLOYED AT LIGHT MANUFACTURING OCCUPATIONS SHALL BE PAID A MINIMUM FAIR WAGE RATE OF 35 CENTS AN HOUR.

Overtime.—Overtime shall be paid for at one and one-half times the employee's regular hourly rate, and not at any minimum rate established by this wage order. See Administrative Regulation No. 9 governing overtime.

ADMINISTRATIVE REGULATIONS

1. **Piece work.**—Women and minors employed on a piece-work basis shall be employed at piece-work rates which yield to each such employee rates not less than the minimum fair-wage standard established for time workers under this directory order. Piece-work rates for work performed at any place other than at the factory or on the premises of the employer shall be paid for at a rate not less than the rate or rates for identical work being done at employers' factory or on employers' premises and shall yield to each such employee wages not less than the minimum fair-wage standard established for time workers under this order.

2. **Handicapped.**—No woman or minor whose earning capacity has been impaired may be paid at less than the minimum fair-wage standard, until a special license, in accordance with the provisions of section 8 of the New Jersey Minimum Wage Law, 34:11-48 Revised Statutes of New Jersey, has been obtained by the employer from the Minimum Wage Bureau of the Department of Labor.

3. **Waiting time.**—Time during the regular working hours and at other periods when employees are required to wait on the premises and no work is provided by the employer shall be counted as working time and paid at the individual employee's regular wage rate. No employee required to report for work shall be paid for less than 4 hours in any 1 day at the basic hourly rate established for this order.

4. **Records.**—Every employer of women or minors shall keep a record of the name, address, and occupation of each such employee, together with a record of the age of all minors; a true and accurate record of the amount paid each pay period to each woman and minor; hours worked each day (record of hours worked each day must be kept showing the actual starting and stopping time of each work period); and the total hours worked each pay period by each woman and/or minor. When work is performed at any place other than the factory or on the premises of the employer records shall also be kept showing with respect to each lot of work issued directly by such

¹ Issued pursuant to Revised Statutes of New Jersey, 1937, secs. 34: 11-34 to 34: 11-56.

SEC. 34:6-133. Tailors and seamstresses exempted.—Nothing in this article shall be held to prevent the employment of a tailor or seamstress by any person for the purpose of making, altering, repairing or finishing any articles of wearing apparel for the personal use of such person or for the personal use of his family.

SEC. 34:6-134. Penalty.—Any corporation, the officers and agents thereof, the members of any firm, the agents thereof, and any other person who shall violate any of the provisions of this article shall be liable to a penalty of twenty-five dollars for the first violation and fifty dollars for each subsequent violation.

SEC. 34:6-135. Disorderly house.—Any place where manufacturing, altering, repairing, finishing or distributing for the purposes thereof, of any goods, for hire or reward, is habitually carried on in violation of this article shall be deemed a disorderly house, and the officers or agents of any corporation, the members of any firm, and any other person owning, operating or managing the business shall be deemed to be guilty of keeping a disorderly house, and upon conviction thereof, shall be fined a sum of not to exceed five hundred dollars, or shall be imprisoned for a term not to exceed two years, or both.

SEC. 34:6-136. Recovery of penalties; procedure; disposition.—Any penalty for violation of this article shall be recovered in an action at law brought in the name of the commissioner in the court of common pleas of any county or in the district court of any city or judicial district or in the small cause court of any county having no district court or judicial district located therein. The practice and procedure shall conform to the practice and procedure prevailing in the court in which the action is instituted. A penalty recovered shall be delivered by the clerk of the court or the judge to the commissioner and by him paid into the treasury of this state.

employer or indirectly in his interest: (1) Date and hour on which work is given out to worker and amount of such work given; (2) date and hour on which work is returned by worker and amount of such work returned; (3) kind of articles worked on and operations performed; (4) piece rates paid; (5) hours worked on each lot of work returned; (6) amount paid for each lot of work returned; (7) date upon which payment is made for each lot of work performed. These records must be available for inspection by any duly authorized representative of the Commissioner of Labor or of the Director of the Minimum Wage Bureau at place of employment during regular hours of employment. The names and addresses of each agent, distributor, or contractor through whom work is distributed must be kept by the employer. All records must be so kept as to permit representatives of the Department of Labor to readily determine whether or not the orders of the Commissioner of Labor are being complied with.

5. **Certificate of age.**—For purposes of this order each employer shall keep on file a certificate of age for each male minor under 21 years of age employed at occupations covered by this order. The burden of proof of the correctness of facts set forth in the certificate of age shall be upon the employee. Upon demand by the Commissioner of Labor, or his duly authorized agent, proof of the correct age shall be submitted within five days to the satisfaction of the Commissioner of Labor, or his duly authorized agent, and if such proof is not forthcoming within five days such employee shall be discharged until such time as such proof is submitted. Where a minor is employed and there is no certificate of proof of age on file with the employer at the place of employment the burden of proof as to whether or not said employee is a minor shall be upon the employer.

6. **Learners.**—No woman or minor shall be paid less than the basic rate of this order by virtue of being a "learner" unless the employer has in his possession, at the place of employment, available for inspection by a representative of the Department of Labor a learner's card issued by the Minimum Wage Bureau of the Department of Labor upon which card is set forth the terms and conditions under which the employees may be paid at the learner's wage rate. Application for a learner's card must be made upon the employee's first day of employment and must show the employer's name; address and type of industry; employee's name, address, age, sex, occupation, Social Security number and previous experience at the same or similar occupations. These applications must bear the signature of the employee, and cards may be obtained by letter or postal card addressed to the Commissioner of Labor, Trenton, N. J. Learner's cards shall not be issued to more than one-tenth of the number of persons coming under the jurisdiction of this order employed in any one place and no learner shall be paid less than 30 cents per hour. No person shall be employed at learner's rate for longer than 6 weeks.

7. **Posting.**—A notice issued by the Department setting forth the provisions of this directory order and administrative regulations shall be posted in a conspicuous place in every room where women and minors are employed at occupations covered by this order.

8. **Scope.**—The foregoing minimum fair-wage rates shall apply to all women and minors engaged in activities as defined under light manufacturing occupations irrespective of the nature of the business of the employer or the location of the place where the work is being performed.

9. **Overtime.**—Overtime shall be paid for at one and one-half times the employee's regular hourly rate, and not at any minimum rate established by this wage order. For the purpose of this order, the definition of overtime shall be:

1. Hours worked in 1 week in excess of 44, during that period of time beginning with the effective date of this order up to and including the 24th day of October 1939.

2. Hours worked in 1 week in excess of 42, during that period of time beginning with the 25th day of October 1939, up to and including the 24th day of October 1940.

3. Hours worked in 1 week in excess of 40, at any time after the 24th day of October 1940.

10. **Employee.**—For the purpose of this order the term “employee” shall mean any woman or minor gainfully employed at an occupation or occupations coming under the jurisdiction of this order.

DEFINITIONS

1. **Minors.**—All workers under 21 years of age.

2. **Light manufacturing occupations.**—The term “light manufacturing occupations” as used herein shall mean the manufacture of dolls; dolls’ dresses and accessories; toys; handbags; handbag frames; luggage; buttons; pocketbooks; pocketbook frames; badges; atomizers; brushes; razor blades; manicuring implements; metal novelties; pearl novelties; casein and catalin novelties; wood novelties; rubber novelties; leather novelties; gold and silver novelties; paper novelties; celluloid novelties; glass novelties; agate novelties; stone novelties; novelties made of more than one of the above mentioned materials; jewelry; picture frames; umbrellas; compacts; vanity cases; powder puffs; hair pins; bobby pins; hair curlers; non-electric curling irons; combs; brooms; buckles; lamp shades; tags; artificial flowers and sanitary cloth wipers, and the term novelties as used in this order shall include small ornamental advertising souvenirs; knick-knacks and small specialties of like nature, and occupations covered by this order shall include all occupations and any activity of women and/or minors in any capacity having to do with the making, processing, or production of preparing for shipment any of the articles covered in the definition herein used to describe light manufacturing occupations.

3. **Directory Order No. 2.**—Wage order governing minimum fair wages for the light manufacturing occupations and the administrative regulations governing same.

This order shall become effective July 3, 1939.

DEPARTMENT OF LABOR DIRECTORY MINIMUM WAGE ORDER NO. 3, APPLYING TO WEARING APPAREL AND ALLIED OCCUPATIONS¹

WAGES

WOMEN AND MINORS EMPLOYED AT WEARING APPAREL AND ALLIED OCCUPATIONS SHALL BE PAID A MINIMUM FAIR WAGE AT RATES NOT LESS THAN THE FOLLOWING:

From the time of the promulgation of the directory order up until and including the 23rd day of October, 1941, 35 cents per hour; thereafter until the 23rd day of October, 1942, 38 cents per hour; thereafter until and including the 23rd day of October, 1943, 40 cents per hour; and after the 23rd day of October, 1943, 42 cents per hour.

Overtime.—Overtime shall be paid for at one and one-half (1½) times the employee’s regular hourly rate, and not at any minimum

¹ Issued pursuant to Revised Statutes of New Jersey, 1937, sections 34:11-34 to 34:11-56.

rate established by this order. See Administrative Regulation No. 9 for definition of overtime.

ADMINISTRATIVE REGULATIONS

1. **Piece work.**—Women and minors employed on a piece-work basis shall be employed at piece-work rates which yield to each such employee rates not less than the minimum fair-wage standard established for time workers under this directory order. Piece-work rates for work performed at any place other than at the factory or on the premises of the employer shall be paid for at a rate not less than the rate or rates for identical work being done at employers' factory or on employers' premises and shall yield to each such employee wages not less than the minimum fair-wage standard established for time workers under this order.

2. **Handicapped.**—No woman or minor whose earning capacity has been impaired may be paid at less than the minimum fair-wage standard, until a special license in accordance with the provisions of section 8 of the New Jersey Minimum Wage Law, 34:11-48 Revised Statutes of New Jersey, has been obtained by the employer from the Minimum Wage Bureau of the Department of Labor.

3. **Waiting time.**—Time during regular working hours, and at other periods when employees are required to wait on the premises and no work is provided by the employer, shall be counted as working time and paid at the individual employee's regular wage rate. No employee required to report for work shall be paid for less than four (4) hours in any 1 day at the basic hourly rate of 35 cents per hour established for this order.

4. **Records.**—Every employer of women or minors shall keep a record of the name, address, and occupation of each such employee, together with a record of the ages of all minors; a true and accurate record of the amount paid each pay period to each woman and minor; hours worked each day (record of hours worked each day must be kept showing the actual starting and stopping time of each work period); and the total hours worked each pay period by each woman and/or minor. When work is performed at any place other than the factory or on the premises of the employer records shall also be kept showing with respect to each lot of work issued directly by such employer or indirectly in his interest; (1) date and hour on which work is given out to worker and amount of such work given; (2) date and hour on which work is returned by worker and amount of such work returned; (3) kind of articles worked on and operations performed; (4) piece rates paid; (5) hours worked on each lot of work returned; (6) amount paid for each lot of work returned; (7) date upon which payment is made for each lot of work performed. These records must be available for inspection by any duly authorized representative of the Commissioner of Labor or of the Director of the Minimum Wage Bureau at place of employment during regular hours of employment. The names and addresses of each agent, distributor, or contractor through whom work is distributed must be kept by the employer. All records must be so kept as to permit representatives of the Department of Labor to readily determine whether or not the orders of the Commissioner of Labor are being complied with.

5. **Certificate of age.**—For purposes of this order each employer shall keep on file a certificate of proof of age for each male minor under twenty-one (21) years of age employed at occupations covered by this order. The burden of proof of the correctness of facts set forth in the certificate of age shall be upon the employee. Upon demand by the Commissioner of Labor or his duly authorized agent proof of the correct age shall be submitted within five (5) days to satisfaction of the Commissioner of Labor or his duly authorized agent, and

if such proof is not forthcoming within five (5) days, such employee shall be discharged until such time as such proof is submitted. Where a minor is employed and there is no certificate of proof of age on file with the employer at the place of employment, the burden of proof as to whether or not said employee is a minor shall be upon the employer.

6. **Learners.**—No separate rate less than the basic minimum fair rate established by this order shall be permitted for learners.

7. **Posting.**—A notice issued by the Department of Labor, setting forth the provisions of this directory order and administrative regulations shall be posted in a conspicuous place in every room where women and minors are employed at the occupations covered by this order.

8. **Scope.**—The foregoing minimum fair-wage rates shall apply to all women and minors engaged in activities as defined under wearing apparel and allied occupations irrespective of the nature of the business of the employer, or the location of the place where the work is being performed.

9. **Overtime.**—Overtime should be paid for at one and one-half ($1\frac{1}{2}$) times the employee's regular hourly rate and not at any minimum rate established by this wage order. For the purpose of this order the definition of overtime shall be (1) hours worked in any 1 week in excess of forty-four (44) during that period of time beginning with the effective date of this order up to and including the 24th day of October 1939; (2) hours worked in 1 week in excess of forty-two (42) during that period of time beginning with the 25th day of October 1939, up to and including the 24th day of October 1940; (3) hours worked in 1 week in excess of forty (40) at any time after the 24th day of October 1940.

10. **Employee.**—For the purpose of this order the term "employee" shall mean any woman or minor gainfully employed at an occupation or occupations coming under the jurisdiction of this order.

DEFINITIONS

1. **Minors.**—All workers under twenty-one (21) years of age.

2. **Wearing apparel and allied occupations.**—The articles referred to herein mean wearing apparel and accessories, of whatever material composed, commonly or commercially known as garments or garment accessories intended or designed to be worn or carried on or about the person, and shall include parts of these articles and such other articles as are *allied with these through like process of manufacture*. They shall specifically include such articles as cotton garments; rayon garments; silk garments; woolen garments; elastic and rubber garments; knit goods; men's coats and suits; rain coats; leather, rubber and fabric footwear; handkerchiefs; hats and hat linings; and such articles as upholstery and curtains, rugs, pillows, and mattresses. This definition shall not include articles specifically included in the wage order promulgated by the Commissioner of Labor for the Light Manufacturing Industries.

3. **Director order No. 3.**—Wage order governing minimum fair wages for Wearing Apparel and Allied Occupations and the Administrative Regulations and definition governing same.

This order shall become effective July 3, 1939.

WEST VIRGINIA

CODE OF WEST VIRGINIA, 1931, CHAPTER 21, ARTICLE 7, SECTIONS 1-11 (ARTICLE 7 ADDED BY HOUSE BILL 233, AS ENACTED, 1939)

ARTICLE 7. Industrial Home Work.

SECTION 1. Police power.—The provisions of this article are designed to protect the health and welfare of the people of the State, and are in necessary exercise of the State's police power.

SEC. 2. Definitions.—For the purposes of this article:

"Employer" means any person who, directly or indirectly, or through an employee, agent, independent contractor, or any other person, delivers to another person any materials or articles to be manufactured in a home, not for the personal use of himself or a member of his family; but shall not include the several departments, agencies, and institutions of the State of West Virginia, nor any of its political subdivisions;

"Home" means any room, house, apartment, or other premises, whichever is the most extensive, used in whole or in part as a place of dwelling;

"Industrial home work" means any manufacturer, in the home, of materials or articles for an employer;

"Commissioner" means the State commissioner of labor.

SEC. 3. Prohibited home work.—The manufacture, or delivery for manufacture, of any of the following by industrial home work shall be unlawful and no permit or certificate issued under this article shall be deemed to authorize such manufacture or delivery:

- (1) Tobacco;
- (2) Drugs and poisons;
- (3) Bandages and other sanitary goods;
- (4) Explosives, fireworks, and articles of like character;
- (5) Any other articles, the manufacture of which, in industrial home work, is in violation of this article or of any other labor law or of any health law of the State.

SEC. 4. Investigations by commissioner.—To carry out the purposes of this article, the commissioner shall have the power to make investigations into all phases of industrial home work in this State, including the investigation of any industry which employs industrial home workers.

No person shall interfere with or obstruct the commissioner or his authorized representatives in the carrying out of any investigation under this section.

SEC. 5. Duty of commissioner.—Whenever, after investigation, or on the basis of other information in his possession, the commissioner finds that a person has violated any provision of section 3, he shall take appropriate action to bring about the enforcement of such provision.

SEC. 6. Employer's permit.—No employer shall deliver or cause to be delivered to a person in this State any materials for manufacture by industrial home work unless and until such employer has obtained an employer's permit from the commissioner. Application for such permit shall be in the form prescribed by the commissioner.

An employer's permit shall be issued only after payment by the employer of a fee of \$50, and shall be valid for a period of 1 year from its date of issuance unless sooner revoked or suspended pursuant to section 10. All fees collected under this section shall be paid forthwith into the State treasury to the credit of the general fund.

SEC. 7. Scope of permit; labels.—No employer shall deliver or cause to be delivered, in this State, any material for manufacture by industrial home work unless the person to be engaged in such manufacture is in possession of a valid home-worker's certificate issued in accordance with this article.

No employer shall deliver or cause to be delivered to any person any materials for manufacture by industrial home work unless there has been conspicuously affixed to each article, or, if this is not practicable, to the package or other container in which such materials are delivered, a label or other mark of identification bearing the employer's name and address printed or written legibly in English.

SEC. 8. Home-worker's certificate.—No person shall engage in industrial home work in this State unless and until he has obtained a home-worker's certificate from the commissioner. Application for such certificate shall be made in the form prescribed by the commissioner.

A home worker's certificate shall be issued free of charge, and shall be valid for a period of 1 year from its date of issuance unless sooner revoked or suspended pursuant to section 10.

SEC. 9. Unlawfully manufactured articles.—Any article which is being, or is to be, manufactured in a home in violation of any provision of this article may be removed by the commissioner and retained by him. The commissioner shall, by registered mail, notify the employer of such removal and retention. Unless the articles so removed and retained are claimed within 30 days after the notification, they may be destroyed or otherwise disposed of.

SEC. 10. Authority of commissioner.—The commissioner is authorized to revoke or suspend any employer's permit or home-worker's certificate for the violation of a provision of this article.

The commissioner is further authorized to prescribe the form of application for employers' permits and home-workers' certificates, and to prescribe the form of and to issue such permits and certificates; and to do all other acts required of him under the provisions of this article.

SEC. 11. Penalties.—A person who violates any provision of this article shall be guilty of a misdemeanor, and upon conviction of such violation shall be fined not less than \$5 nor more than \$50 and confined in jail not more than 30 days, or by both such fine and imprisonment in the discretion of the court.

NEW YORK

CAHILL'S CONSOLIDATED LAWS OF NEW YORK, 1931-1935
SUPPLEMENT, CHAPTER 32, SECTIONS 350-363

INDUSTRIAL HOME WORK

SECTION 350. Legislative purpose and definitions.—1. The employment of women and minors in industry in the state of New York under conditions resulting in wages unreasonably low and conditions injurious to their health and general welfare is a matter of grave and vital public concern. Any conditions of employment especially fostering such working conditions are therefore destructive of purposes already accepted as sound public policy by the legislature of the State and should be brought into conformity with that policy. Uncontrolled continuance of home work is such a condition; here wages are notoriously lower and working conditions endanger the health of the worker; the protection of factory industries, which must operate in competition therewith and of the women and minors employed therein and of the public interest of the community at large in their health and well-being, require strict control and gradual elimination of industrial home work. In the considered judgment of the legislature this article is constitutional.

2. Whenever used in this article: a. "Manufacture," "manufacturing," "manufactured" or "making" includes preparation, alteration, repair or finishing, in whole or in part, or handling in any way.

b. "Employer" means any person who either directly or through an employee, agent, independent contractor, or any other person, delivers or causes to be delivered to another person, any materials to be manufactured in a home, and which are thereafter to be returned to him, not for the personal use of himself or of a member of his family.

c. "Home" means a room or an apartment in any house.

d. "House" means any building in which one or more persons regularly sleep; but where only a person or persons or the family of a person or persons engaged in the service of the building, sleep in such building, the term "house" shall apply only to the separate room or rooms or to the apartment or apartments in which one or more of such persons sleep.

e. "Industrial home work" means the manufacturing in a home, in whole or in part, with material which has been furnished by an employer, of any article or articles to be returned to the said employer.

f. "Industrial home worker" means any person who manufactures in a home, in whole or in part, out of material furnished by an employer for industrial home work, any article or articles to be returned to such employer directly or indirectly.

g. "Person" includes a corporation, a copartnership or a joint stock association.

SEC. 351. Powers of the industrial commissioner and exceptions.—

1. The industrial commissioner shall, after proper study and consideration, determine within what industries conditions may permit of industrial home work as hereinbefore defined without unduly jeopardizing the factory workers in such industries as to both wages

and working conditions and without unduly injuring the health and welfare of the industrial home worker himself. The commissioner may then restrict the granting of permits and licenses for industrial home work as herein defined to such industries and may further issue rules and regulations designed to control and regulate industrial home work in the said permitted industries. In all other industries industrial home work is forbidden unless expressly permitted in writing by the industrial commissioner.

2. a. Exception to this article shall be made by the industrial commissioner in respect of manufacture of an article in a home for the use of a person residing in such home or for use in such home.

b. Exception to this article may be made by the industrial commissioner in respect of such other provisions consonant with the general purpose of this article as the commissioner may on study determine to be warranted by conditions.

SEC. 352. Permits required.—1. An employer shall secure an employer's permit from the commissioner before delivering or causing to be delivered to another person any materials for manufacture by industrial home work, and shall not deliver or cause to be delivered any materials for industrial home work to a person who has not a certificate issued pursuant to this article or to be worked on in a home which is not licensed under this article.

2. A fee shall be paid annually to the commissioner for issuing or extending an employer's permit. Where less than two hundred home workers' certificates are issued to an employer his annual fee shall be twenty-five dollars. Where two hundred but less than five hundred certificates are issued the employer's fee shall be fifty dollars. Where five hundred or more certificates are issued the employer's fee shall be one hundred dollars.

SEC. 353. Fees.—All fees and other monies derived from the operation of this article shall be paid into the state treasury to the credit of the general fund.

SEC. 354. Conditions of manufacture.—1. No person other than a person resident therein shall carry on industrial home work on any article in a home except as otherwise provided for under section 351, subdivision 2, paragraph b.

2. No person shall carry on industrial home work except in accordance with this article.

3. No child shall be employed in manufacture in a home except in accordance with articles 4 and 5 of this chapter.

4. No employer having an employer's permit shall deliver or cause to be delivered or received any articles for or as a result of home work manufacture unless he shall keep in such form and forward to the commissioner at such intervals as he may by regulation prescribe and on such blanks as he may provide, a complete and accurate list of all persons engaged in industrial home work on materials furnished or distributed by him, of all places where such persons work, of all materials furnished and distributed to such persons described as the commissioner may require, of all goods which such persons have manufactured and of the wages paid to each industrial home worker.

5. No person shall do industrial home work, except in a home in which he resides, and unless his name is on a home worker's certificate issued by the commissioner and permitting industrial home work to be done in such home, and unless such certificate is exposed clearly in the home in which industrial home work is being done.

6. No article of food, no dolls or dolls' clothing and no stuffed animals or other stuffed toys used in the same way as dolls shall be manufactured for a factory, either directly or through a contractor or for an employer, in a home.

SEC. 355. Periodic inspection.—1. The commissioner shall inspect every house in which industrial home work is permitted, and the materials issued to the industrial home worker.

2. If the commissioner finds that any home in which home work is being done is not clean, he shall order the tenant at once to clean it.

3. If the commissioner finds that a house or any home in which home work is being done is in an unsanitary condition, or that there is an infectious or communicable disease therein, he shall at once notify the commissioner of health, or the chief health officer of the district in which such house or home is situated.

SEC. 356. Notice of unlawful manufacture.—If the commissioner discovers any manufacture in a house contrary to the provisions of this article, he shall serve notice of such unlawful manufacture upon the employer.

SEC. 357. Unlawfully manufactured articles.—The commissioner shall conspicuously affix to each or all articles unlawfully manufactured in a house a tag not less than four inches in length bearing in small pica capital letters the words "unlawfully made," or shall seize and hold such article until claimed by the owner thereof. Unless the person entitled to the possession of an article so seized shall claim it within thirty days thereafter the said article may be destroyed or otherwise disposed of. No person except the commissioner shall interfere with, remove or deface such tag.

SEC. 358. Revocation or suspension of permits, licenses and certificates.—The commissioner may revoke or suspend the license of any owner or the permit of any employer or any home worker's certificate for a violation by such owner or employer or by any person named in such certificate, of the terms of such permit, license, or certificate, or of any provision of this chapter or of any regulation made by the commissioner, or for non-compliance with an order issued by the commissioner, within the time specified in such order.

SEC. 359. Inspection of health records.—The commissioner may inspect such records of any department of health or of any health officer or any county board of health as will aid him in carrying out his duties under this article. Any health officer or officer of any such department or county board shall, at the commissioner's request, aid him in such inspection.

SEC. 360. Notice and hearing.—No permit, license, or certificate shall be refused, revoked or suspended unless the holder previously have reasonable notice, and an opportunity to be heard.

SEC. 361. Summary proceedings; when may be instituted.—The carrying on of manufacture in a home or of industrial home work contrary to the provisions of this article shall be cause for dispossessing its occupants by summary proceedings to recover possession of real property as provided in the civil practice act. Upon receipt from the commissioner of a notice showing such manufacture or such industrial home work in a home, the owner or his agent shall cause such manufacture or industrial home work to cease within ten days and, if unable to do so, shall institute within fifteen days and faithfully prosecute proceedings to dispossess the occupants.

SEC. 362. Rules and regulations.—Rules and regulations necessary to carry out the provisions of this article shall be made by the commissioner.

SEC. 363. Construction.—If any provision of this article or the application thereof to any person or circumstance is held invalid, the remainder of the article and the application of such provision to other persons or circumstances shall not be affected thereby.

CAHILL'S CONSOLIDATED LAWS OF NEW YORK, 1931-1935 SUPPLEMENT, CHAPTER 41, SEC. 1275

SEC. 1275. Violations of provisions of labor law; the industrial code; the rules, regulations or orders of the department of labor, the industrial commissioner and industrial board.—Any person who violates or does not comply with any provision of the labor law, any provision of the industrial code, any rule, regulation or lawful order of the department of labor, industrial commissioner or industrial board, and any person who knowingly makes a false statement in or in relation to any application made for an employment certificate as to any matter required by the labor law to appear in any affidavit, record, transcript or certificate therein provided for, is guilty of a misdemeanor and upon conviction shall be punished, except as in this chapter otherwise provided, for a first offense by a fine of not more than fifty dollars; for a second offense by a fine of not less than fifty nor more than two hundred and fifty dollars, or by imprisonment for not more than thirty days or by both such fine and imprisonment; for a third offense by a fine of not less than two hundred and fifty dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

(The three following orders have been issued by the Department of Labor pursuant to the authority granted by the preceding law.)

ORDER NO. 1, PROHIBITING INDUSTRIAL HOME WORK IN THE MEN'S AND BOYS' OUTER CLOTHING INDUSTRY (AS AMENDED AUGUST 27, 1936)

1. PROHIBITION OF INDUSTRIAL HOME WORK

Pursuant to article 13, section 351, of the Labor Law, the Industrial Commissioner hereby prohibits industrial home work and the distribution of articles for industrial home work by any employer, contractor, or agent of an employer in the men's and boys' outer clothing industry. For the purpose of this order, the men's and boys' outer clothing industry shall include the manufacture of and the processes and transactions involved in the manufacture of outer clothing (except shirts, collars, men's neckwear, hats, hosiery, and knitwear) for males of 6 years and over.

No permits shall hereafter be issued to employers for the distribution of articles of men's and boys' outer clothing for industrial home work and no certificates shall hereafter be issued to home workers on such articles.

All outstanding permits to employers and all outstanding certificates to home workers will be null and void after April 25, 1936, except that in the branch of the industry known as merchant and custom tailoring, such permits and certificates will be void after July 1, 1936. In this branch of the industry special authorizations for home work may be issued as provided for in section 2.

2. SPECIAL AUTHORIZATION FOR AGED AND DISABLED HOME WORKERS

Employers and home workers may be granted special home work permits and certificates on condition that the Industrial Commissioner, after investigation, is satisfied that:

(a) Age.—The homemaker is over 60 years of age.

(b) **Physical disability.**—An examination by the Department of Labor reveals a physical disability which would prevent the worker from performing the same work in a shop.

(c) **Certification prior to April 25, 1936.**—The home worker has held a home work certificate to work for the same employer prior to April 25, 1936.

(d) **Permit to employer prior to April 25, 1936.**—The employer has held a permit to distribute work prior to April 25, 1936.

(e) The home worker is covered by workmen's compensation.

Conditions for employment of home workers with special certificates:

(f) **Work for one employer only.**—Authorizations will be issued to the home worker to work for one employer only.

(g) **Limitation of work.**—In consideration of the disability on which the home work permit is granted, the home worker shall receive less work than tailors in the shop.

(h) **Transportation.**—Because of the home worker's inability to come to the shop, work shall be delivered to him and called for free of charge by the employer.

(i) **Payment.**—At least the same piece-work rate shall be paid to the home worker as is paid for the same or similar work in the shop.

(j) **Provisions of the Labor Law.**—All the provisions of the Labor Law and all rules and regulations of the Industrial Commissioner must be observed by both home worker and employer.

(k) **Handbooks.**—All authorized home workers will be required to keep a record of production and wages in a handbook issued by the Department.

(l) **Pay-roll records.**—The employer shall keep a record, as part of his pay roll, of date on which work is issued to a home worker, the amount of work given him, and the rate of pay, the date of return of work, the amount of work returned and his pay.

Such authorizations and employers' permits may be revoked at any time, after the holder has been given reasonable notice and an opportunity to be heard, if, upon investigation the Industrial Commissioner finds that the above regulations or any provision of the Labor Law or rules of the Industrial Commissioner have not been complied with.

3. VARIATIONS

If there shall be unnecessary and unusual hardships in carrying out the provisions of this order, the Industrial Commissioner may, after proper investigation, make a variation from such provisions if the intent of the order and of article 13 shall be observed. Any person affected by such order, or the agent of such person, may petition the commissioner for such variation, stating in writing the grounds therefor. The commissioner shall cause an investigation to be made, and if he deems it advisable may hold a hearing on such petition. A record of all variations shall be kept in the office of the Department of Labor. Issued April 25, 1936. Section 3 added by amendment, August 27, 1936.

ORDER NO. 2, PROHIBITING INDUSTRIAL HOME WORK IN THE MEN'S AND BOYS' NECKWEAR INDUSTRY

1. PROHIBITION OF INDUSTRIAL HOME WORK

Pursuant to Article 13, Section 351, of the Labor Law, the Industrial Commissioner hereby prohibits industrial home work and the distribution of articles for industrial home work by any employer, contractor, or agent of an employer, manufacturing, processing, or repairing articles of men's and boys' neckwear. For the purposes of this order, the men's and boys' neckwear industry shall include the manufacture of and the processes and transactions involved in the manu-

facture of men's and boys' neckwear of all materials, including four-in-hand ties, bow ties, bat ties, and mufflers (including mufflers known as reefers) for males of 6 years and over.

After the effective date of this order no permits shall be issued to employers for the distribution of articles of men's and boys' neckwear for industrial home work and no certificates shall be issued to home workers on such articles, except as provided in section 2 of this order.

2. SPECIAL PERMITS AND CERTIFICATES

TERMS OF ISSUANCE

Employers and home workers may be granted special home-work permits and certificates on condition that the Industrial Commissioner after investigation is satisfied:

A. That the applicant was a home worker receiving home work prior to February 3, 1937, from an employer holding a permit granted prior to February 3, 1937, and

(1) Is unable to adjust to factory work because of age, or

(2) Is physically or mentally disabled and examination by the Department of Labor reveals that such disability would prevent the worker from adjusting to factory conditions, or

(3) Is unable to leave home because the worker's presence is required to care for an invalid in the home.

B. That the home worker is covered by workmen's compensation insurance.

C. That the employer maintains a factory in which one or more factory workers are engaged in the same operations as those to be performed by the home worker. For the purpose of the issuance of home-work permits and certificates under this order, the "employer" shall be the person maintaining such factory and holding an employer's permit as provided in Section 2A above.

CONDITIONS OF EMPLOYMENT

D. **Work for one employer only.**—The certificate shall permit the home worker to work only for the one employer whose name is listed thereon.

E. **Work distributed directly to the home worker.**—The employer shall distribute all materials and articles directly to the home worker and shall keep all required records.

F. **Limitation of work.**—The amount of work given the home worker shall not exceed that done in the same week on the same process by any shop worker employed not more than the maximum hours of work for women as established in the Labor Law.

G. **Rates paid to home workers.**—On all operations the home worker shall be paid at least the same rate as that paid to workers on these operations in the factory.

H. **Posting of rates.**—The rates and rules governing conditions of employment for home workers shall be clearly posted in a conspicuous place in the factory.

I. **Employer's pay-roll record.**—The employer shall keep a record, as part of his pay-roll record, of the date on which work is issued to the home worker, the amount of work given out, the operations performed, the rate of pay, the date of return of work, the amount of work returned, and the total payment made to the home worker.

J. **Home-worker's handbook.**—The home worker shall keep a handbook issued by the Department of Labor in which the employer of such home worker shall enter the date on which work is issued to the home worker, the amount of work taken out, the operations performed, the rate of pay, the date of return of work, the amount of work returned, and the total payment made to the home worker.

3. VARIATIONS

If there shall be unnecessary and unusual hardship in carrying out the provisions of this order, the Industrial Commissioner may, after proper investigation, make a variation from such provisions if the intent of the order and of article 13 shall be observed. Any person affected by such order, or the agent of such person, may petition the commissioner for such variation, stating in writing the grounds therefor. The commissioner shall cause an investigation to be made, and if he deems it advisable may hold a hearing on such petition. A record of all variations shall be kept in the office of the Department of Labor.

This order shall become effective May 1, 1937.

Dated: New York City, February 26, 1937.

ORDER NO. 3, PROHIBITING INDUSTRIAL HOME WORK IN THE ARTIFICIAL FLOWER AND FEATHER INDUSTRY

1. PROHIBITION OF INDUSTRIAL HOME WORK

Pursuant to article 13, section 351, of the Labor Law, the Industrial Commissioner hereby prohibits industrial home work and the distribution of articles for industrial home work by any employer, contractor, or agent of an employer, manufacturing, processing, assembling, repairing, or otherwise treating or handling artificial flowers and feathers. For the purposes of this order, the artificial flower industry shall include the manufacture of and the processes and transactions involved in the manufacture and assembling of artificial flowers, fruits, and leaves of all materials including silks, cottons, woolsens, velvets, and other fabrics of any kind; paper, cellophane, glass, and leather. The feather industry shall include the preparation of and all operations on ostrich plumes and the manufacture and processing of articles made from feathers of any kind.

All outstanding permits to employers and all outstanding certificates to home workers shall be null and void after May 2, 1938.

After the effective date of this order, no permit shall be issued to an employer for the distribution of artificial flowers and feathers for industrial home work and no certificate shall be issued to a home worker on artificial flowers and feathers, except as provided in section 2 of this order for the artificial flower industry.

2. SPECIAL PERMITS AND CERTIFICATES

TERMS OF ISSUANCE

Employers and home workers in the artificial flower industry, only, may be granted special home-work permits and certificates on condition that the Industrial Commissioner, after investigation, is satisfied:

A. That the applicant was a home worker working on artificial flowers prior to March 10, 1938, for an employer in the artificial flower industry who has held a permit issued prior to March 10, 1938, and

(1) Is unable to adjust to factory work because of age, or

(2) Is physically or mentally disabled and examination by the Department of Labor reveals that such disability would prevent the worker from adjusting to factory conditions, or

(3) Is unable to leave home because the worker's presence is required to care for an invalid in the home.

B. That the home worker is covered by Workmen's Compensation Insurance.

C. That the employer maintains a factory in which one or more women are employed on flower-making operations which are similar to the home work operations.

That the maximum number of home workers permitted any one employer for the duration of his annual permit shall not exceed 1 home worker to each 10 women factory workers employed in any 1 week during the preceding year as shown by the employer's pay-roll records. A firm employing less than 10 women factory workers in any 1 week may be permitted 1 home worker.

For the purpose of the issuance of home-work permits and certificates under this order, the "employer" shall be the person maintaining such a factory and holding an employer's permit as provided in section 2A. above.

CONDITIONS OF EMPLOYMENT

D. Work for one employer only.—A home worker shall be permitted to work only for the one employer for whom she is granted a certificate to work. The home worker shall not be employed as a factory worker while she holds a home-work certificate.

E. Work distributed directly to the home worker.—The employer shall distribute all materials and articles directly to the home worker and shall keep all required records.

F. Limitation of work.—The maximum amount of work which may be given to any home worker in any week shall not exceed the average amount produced by women on similar flower-making operations in the shops, working legal hours, in the same week.

G. Rates paid to home workers.—On any operation, a home worker shall be paid at least the same rate as that paid to workers on flower-making operations in the shop. For the purpose of this order the same rate shall mean a rate which will yield to an individual home worker, working under home-work conditions, at least the hourly earnings of the average worker on the same operations in the shop.

H. Notice of rates.—The rates and rules governing conditions of employment for home workers shall be given to each home worker in a form prescribed by the commissioner.

I. Employer's pay-roll record.—The employer shall keep a record, as part of his pay-roll record, of the name and address of the home worker, the date on which work is issued to the home worker, the amount of work given out, the operations performed, the rate of pay, the date of return of work, the amount of work returned, and the total weekly payment made to the home worker. Each employer shall keep a record of daily and weekly hours worked and of weekly wages for women workers in his shop as well as weekly payments to his home workers and shall, on demand, submit to the Industrial Commissioner or to his representative, a sworn copy of such records, together with such information as the commissioner may in his discretion deem necessary.

J. Home worker's handbook.—The home worker shall keep a handbook issued by the Department of Labor in which the employer of such home worker shall enter currently the date on which work is issued to the home worker, the amount of work given out, the operations to be performed, the rate of pay, the date of return of work, the amount of work returned, and the total payment made to the home worker. Such handbooks shall remain the property of the Department of Labor and shall be returned to it when filled or when their use is discontinued.

3. VARIATIONS

If there shall be unnecessary and unusual hardship in carrying out the provisions of this order, the Industrial Commissioner may, after proper investigation, make a variation from such provisions if the intent of the order and of article 13 shall be observed. Any person affected by such order, or the agent of such person, may petition the commissioner for such variation, stating in writing the grounds

therefor. The commissioner shall cause an investigation to be made, and if he deems it advisable may hold a hearing on such petition. A record of all variations shall be kept in the office of the Department of Labor.

This order shall be effective for the period of 1 year from its effective date with review at the end of that period by the Industrial Commissioner.

This order shall take effect May 2, 1938.

Dated March 10, 1938, New York City.

OHIO

COMPLETE OHIO GENERAL CODE, PAGE'S DESK EDITION,
1932, SECTIONS 1020-1026

SEC. 1020. Rooms used for manufacture of wearing apparel or tobacco goods.—No dwelling or building or room or apartment thereof in or connected with a tenement, dwelling or other building shall be used, except by the immediate members of the family living therein, for carrying on any process of making wearing apparel or goods for wear, use or adornment, or for manufacturing cigars, cigarettes or tobacco goods in any form, if such wearing apparel or other goods are to be exposed for sale or sold by a manufacturer, wholesaler or jobber, or by a retailer, unless such room or apartment is made to conform to the requirements and regulations herein provided.

SEC. 1021. Entrances required for such rooms.—Each room or apartment used for the purposes named in the preceding section, except by the immediate members of the family living therein, shall be regarded as a shop or factory and shall be separate from and have no door, window or other opening into a living or sleeping room of a tenement or dwelling. No such shop or factory shall be used for living or sleeping purposes or contain any bed, bedding or cooking utensils, or other utensils, except those required to carry on the work therein. Each such shop or factory shall have a direct entrance from the outside, and, if above the first floor, have a separate and distinct stairway leading thereto, and be well and sufficiently lighted, heated and ventilated.

SEC. 1022. Water-closets for such rooms.—A shop or factory used for the purposes named in the preceding two sections shall have suitable closet arrangements for each sex employed therein. When there are ten or more persons and three or more to the number of twenty-five are of either sex, a separate and distinct water-closet, either inside the building with adequate plumbing and connections, or on the outside at least twenty feet from the building, shall be provided for each sex. When the number employed is more than twenty-five of either sex, there shall be provided an additional water-closet for each sex up to the number of fifty persons and above that number in the same ratio. Such closets shall be kept exclusively for the use of employes or employers in such shop or factory.

SEC. 1023. Inspector may require certain changes.—If more than one room is used under the direction of one employer for the purposes named in the preceding three sections, such rooms shall be regarded as one shop or factory. Each shop or factory shall be kept in a clean and wholesome condition, stairways, and premises within the radius of thirty feet shall be kept clean, and closets regularly disinfected and supplied with disinfectants. The chief inspector of workshops and factories or a district inspector may require necessary changes or the cleaning, painting or whitewashing necessary to insure absolute freedom from odor, filth, vermin, decaying matter or any other thing liable to impair health or breed infectious or contagious diseases. Such inspector shall prevent the operation of

such shops and factories, if they do not conform to the provisions of the preceding sections, and cause the arrest and prosecution of the persons operating them.

SEC. 1023-1. Penalty.—Whoever violates any of the provisions of the four preceding sections, or whoever fails, refuses or neglects to comply with any order issued or requirement made under said sections by the chief inspector of workshops and factories shall, upon conviction, be fined not more than twenty-five dollars and not more than one hundred dollars for each succeeding offense.

SEC. 1024. Unlawful to give work to certain persons, firms or corporations.—No person, firm or corporation shall give work to or contract with a person to make goods used for wearing apparel or adornment, or to manufacture tobacco, after receiving notice from the chief inspector of workshops and factories or a district inspector that such person has not complied with the provisions of law relating to rooms in which such goods are manufactured. The notice shall remain in force until such person has complied with the provisions of law. Each person, firm or corporation shall obtain and keep a record of all persons to whom work is given or with whom it is contracted for or from whom such goods or tobacco is purchased, which record must include their names and addresses, and be open to the inspection of the chief inspector of workshops and factories or a district inspector.

SEC. 1025. Unlawful to handle or sell certain goods.—No person or corporation shall receive, handle or convey to others, or sell, hold in stock or expose for sale the goods named in the preceding section, unless such goods are made under the sanitary conditions prescribed herein, but this does not include the making of garments or other goods for another by personal order, which will be received for wear or use direct from the maker's hands.

SEC. 1026. Penalty.—Whoever, being a person, firm or corporation, violates any provision of the preceding two sections shall be fined not less than fifty dollars nor more than one hundred dollars or imprisoned not less than thirty days nor more than sixty days, or both, which fine shall be collected by the court and paid into the state treasury to the credit of the general revenue fund.

OREGON

STATE WELFARE COMMISSION ORDER APPLYING TO NEEDLECRAFT OCCUPATION

TAKE NOTICE—*That pursuant to the authority in it vested by sections 49-302a to 49-303, both inclusive, and 49-306, Oregon Code 1935 Supplement (chapter 394, Oregon Laws 1931, and chapter 88, Oregon Laws, Second Special Session, 1933), and by sections 49-304, 49-305, and 49-307 to 49-320, both inclusive, Oregon Code 1930, and in accordance with the determination by it today duly made and rendered:*

THE STATE WELFARE COMMISSION OF THE STATE OF OREGON HEREBY ORDERS that:

* * * * *

SEC. 8. Home work.—No employer shall be permitted to send any work into private homes, insanitary basements and buildings, or places unsafe on account of fire risks.

"Needlecraft occupation" shall include all designing, cutting, stitching, weaving, inspecting, knitting, hemstitching, altering, sorting of rags or materials, etc., whether by hand or by machine, of materials for clothing, wearing apparel, upholstering, tents, awnings, draperies and bags used for any purpose.

After such order is effective, it shall be unlawful for any employer in the State of Oregon affected thereby to fail to observe and comply therewith, and any person who violates said order shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) or by imprisonment in the county jail for not less than ten days nor more than three months, or by both such fine and imprisonment in the discretion of the court.

These orders shall become effective on and after 60 days from the 16th day of July, 1937.

(The preceding order was issued pursuant to minimum-wage law, which also authorizes State Welfare Commission to declare "standards of conditions of labor for women or for minors in any occupation within the State of Oregon."—1935 Supplement, Oregon Code, sections 49-302a to 49-303 and 49-306 and Oregon Code, 1930, sections 49-304, 49-305, and 49-307 to 49-321.)

PENNSYLVANIA

LAWS OF PENNSYLVANIA, 1937, ACT NO. 176

Relating to the performance of industrial work in homes; regulating, and in certain cases prohibiting, industrial home work; imposing duties, restrictions and liabilities on industrial home workers and on persons, partnerships, associations and corporations, directly or indirectly furnishing materials and articles to home workers for manufacture or work thereon; requiring permits and home workers' certificates and prescribing the fees therefor; conferring powers and imposing duties on the Department of Labor and Industry; and prescribing penalties.

Be it enacted, etc., As follows:

SECTION 1. Legislative purpose.—This State has long recognized that employment of men, women and children under conditions detrimental to health and general welfare results in injury, not only to the workers immediately affected, but also to the public interest as a whole. This recognition has produced a broad program of regulatory legislation to conserve the public welfare. The continuance of an unregulated industrial home work system in this State runs counter to that program since it is usually accompanied by excessively low wages, long and irregular hours, and unsanitary or otherwise inadequate working quarters. Employment of young children in industrial home-work occupations is frequent but effective supervision of this child labor evil has not been attainable under present statutes. The dangerous consequences of this system may fall upon the consumer of its products as well as upon the men and women who are its work force. The preservation of the system, moreover, endangers the protection of the workers in factory industries which, being forced to compete with industrial home work, are under pressure to relax the established safeguards of life, health and the public welfare. After study of experience and reported investigations, the Legislature is convinced that industrial home work must eventually be abolished, and that during a period of adjustment it must be strictly controlled in the interest of the wage-earners of this State, and of the public at large. This act is the product of that conviction.

SEC. 2. Short title.—This act shall be known and may be cited as the "Industrial Home Work Law."

SEC. 3. Definitions.—The following words, terms and phrases, when used in this act, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

(a) "Contractor."—Any person who for the account or benefit of an employer, representative contractor or other person, distributes to a home worker, or any other person, not recruited or engaged by such employer, representative contractor, or other person, articles or materials to be manufactured in a home, and thereafter to be returned to him or otherwise disposed of in accordance with his directions.

(b) "Department."—The Department of Labor and Industry of this Commonwealth.

(c) "Employer."—Any person who for his own account or benefit, directly or indirectly, or through an employee, agent, independent contractor, or any other person.

(1) Delivers, or causes to be delivered to another person, any articles or materials to be manufactured in a home and thereafter to be returned to him, not for the personal use of himself or of a member of his family, or thereafter to be disposed of otherwise in accordance with his directions, or

(2) Sells to another person, any materials or articles for the purpose of having such articles or materials manufactured in a home and of then rebuying such materials or articles after such manufacture, either by himself, or by someone designated by him.

(d) "Home."—Any room, house, apartment, or other premises, whichever is most extensively used, in whole or in part, as a place of dwelling, and including outbuildings upon premises that are primarily used as a place of dwelling, where such outbuildings are under the control of the person dwelling on such premises.

(e) "Home worker."—Any person engaged in manufacturing in a home, articles or materials for an employer, a representative contractor, or a contractor.

(f) "Industrial home work."—Any manufacture in a home of articles, or materials for an employer, a representative contractor, or a contractor.

(g) "Manufacture."—To prepare, alter, repair, finish, or process, in whole or in part, or handle in any way connected with the production, wrapping, packaging, or preparation for display of an article or materials.

(h) "Person."—An individual, partnership, firm, association, domestic or foreign corporation, the legal representatives of a deceased individual, or the receiver, trustee, or successor of an individual, partnership, association, or corporation.

(i) "Representative contractor."—Any person who receives from an employer, or contractor not within the State, articles or materials to be distributed by him to any home worker, or other person, not recruited or engaged by such employer or contractor, to be manufactured in a home, and thereafter to be returned to him, or otherwise disposed of, in accordance with his directions.

The singular shall include the plural, and the masculine shall include the feminine and neuter.

SEC. 4. Prohibited home work.—It shall be unlawful to manufacture in a home for an employer, contractor, or representative contractor, any of the following articles, or to perform in a home, for such persons, any of the following work, and no permit issued under this act shall be deemed to authorize such manufacture or the performance of any such work:—

(a) Articles of food or drink.

(b) Articles for use in connection with the serving of food or drink.

(c) Toys and dolls.

(d) Tobacco.

(e) Drugs and poisons.

(f) Bandages and other sanitary goods.

(g) Explosives, fireworks, and articles of like character.

(h) The tearing or sewing of rags: *Provided*, That the word "rags" shall not be deemed to apply to new remnants, clippings, or salvages which are the by-products of manufacturing processes.

(i) Articles, the processing of which requires exposure to substances determined by the department to be hazardous to the health or safety of persons so exposed.

SEC. 5. Power to prohibit.—(a) The department shall have the power, upon its own initiative, to make an investigation of that portion or branch of any industry which employs home workers, in order to determine:

(1) Whether the wages and conditions of employment are injurious to the health and welfare of home workers in such portion or branch; or

(2) Whether the wages and conditions of employment prevailing in such portion or branch have the effect of rendering unduly difficult the maintenance of existing labor standards, or the observance and enforcement of labor standards established by law, or regulation for the industry of which such portion or branch is a part, thus jeopardizing wages or working conditions of the factory workers in such industry.

(b) If, on the basis of information in its possession, with or without an investigation as provided in this section, the department shall find that industrial home work cannot be continued within any industry without injuring the health and welfare of the home workers within that industry, or without rendering unduly difficult the maintenance of existing labor standards or the observance and enforcement of labor standards established by law for the protection of the factory workers in that industry, the department shall, by order, require all employers, representative contractors, or contractors in such industry to discontinue the furnishing within this Commonwealth of articles or materials for industrial home work, and no permit issued under this act shall be deemed thereafter to authorize the furnishing of articles, or materials for industrial home work prohibited by such order.

(c) All power machines used in conduct of industrial home work shall be guarded in accordance with the laws and regulations of the Department of Labor and Industry.

SEC. 6. Procedure.—(a) Before making such order, the department shall hold a public hearing, or hearings, at which an opportunity to be heard shall be afforded to any employer or representative of employers, and any home worker or representative of home workers, and any other person or persons having an interest in the subject matter of hearing. A public notice of such hearing shall be given in such manner as may be fixed by the department. Such notice shall be made at least thirty days before the hearing is held. Such hearing, or hearings, shall be in such place, or places, as the department deems most convenient to the employers and home workers to be affected by such order.

(b) The department shall determine the effective date of such order, which date shall be not less than ninety days after the date of the promulgation of its order. The order shall set forth the type or types of manufacturing which are prohibited after its effective date.

SEC. 7. Permit required by employers and representative contractors.—(a) Every employer and every representative contractor within this Commonwealth must procure from the department an employer's permit. Application for such permit shall be made on a form prescribed by the department. Such permit shall be in writing, dated when issued, and signed by the Secretary of Labor and Industry, or his duly authorized representative. It shall give the name and address of the person to whom it is issued and shall designate and limit the acts that are permitted. Such permit shall be valid for a period of one year from the date of its issuance, unless sooner revoked.

(b) No such permit shall be issued to any person, or to the successor in interest of any person whose employer's permit has been revoked by the department within two years prior to the last application for such a permit.

(c) Any employer, or a representative contractor, who delivers to another person any articles or materials for manufacture by industrial home work without having in his possession a valid employer's permit from the department, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00), or to undergo imprisonment for not more than six (6) months, or both, in the discretion of the court.

SEC. 8. Injunction against continued violations.—Whenever any employer or representative contractor has twice been found guilty of

conducting his business without an employer's permit, the department may apply to the court of common pleas of any county in which such employer or representative contractor has a place of business for an injunction, and such court shall upon such application issue an injunction to restrain such employer or representative contractor from further violating the provisions of this act.

SEC. 9. Permit required by contractors.—(a) Every contractor must procure from the department a contractor's permit. Application for such permit shall be made on a form prescribed by the department. Such permit shall be in writing and signed by the Secretary of Labor and Industry, or his duly authorized representative. It shall give the name and address of the person to whom it is issued, and shall designate and limit the acts that are permitted. Such permit shall be valid for a period of one year from the date of its issuance unless sooner revoked.

(b) No such permit shall issue to any person who or whose predecessor in interest held an employer's permit which, within two years prior to the application for a contractor's permit, was revoked by the department.

(c) Any contractor who delivers, or causes to be delivered, to another person, any articles or materials for manufacture by industrial home work without having in his possession a valid contractor's permit, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00), or to undergo imprisonment for not more than six (6) months, or both, in the discretion of the court.

SEC. 10. Fees.—(a) A fee of two hundred dollars (\$200.00) shall be paid to the department for the original issuance of an employer's permit.

(b) For each annual renewal of such permit, the employer or representative contractor shall pay to the department a fee of—

(1) Fifty dollars (\$50.00), where at no time during the preceding year did the employer, or representative contractor, directly or indirectly, have business relations simultaneously with more than one hundred home workers.

(2) One hundred dollars (\$100.00), where at any time during the preceding year the employer, or representative contractor, directly or indirectly, had business relations simultaneously with more than one hundred, but less than three hundred home workers.

(3) Two hundred dollars (\$200.00), where at any time during the preceding year the employer, or representative contractor, directly or indirectly, had business relations simultaneously with three hundred or more home workers.

(c) A fee of twenty-five dollars (\$25.00) shall be paid to the department for the issuance of a contractor's permit.

SEC. 11. Home worker's certificate.—(a) Every person desiring to engage in industrial home work within this Commonwealth must procure from the department a home worker's certificate, which shall be issued without cost and which shall be valid for a period of one year from the date of its issuance, unless sooner revoked or suspended. Application for such certificate shall be made in such form as the department may by regulation prescribe. Such certificate shall be valid only for work performed by the applicant himself in his own home, and in accordance with the provisions of this act.

(b) No home worker's certificate shall be issued:—

(1) To any person under the age of sixteen years; or

(2) To any person known to be suffering from an infectious, contagious, or communicable disease, or known to be living in a home that is not clean, sanitary and free from infectious, contagious, or communicable diseases.

(c) The department may revoke, or suspend any home worker's certificate if he finds that the holder is performing industrial home

work contrary to the conditions under which the certificate was issued, or to any provision of this act, or has permitted any person not holding a valid home worker's certificate to assist him in performing his industrial home work.

Sec. 12. Records to be kept.—No person having an employer's or a contractor's permit shall deliver, or cause to be delivered, or received, any articles or materials for or as a result of industrial home work, unless he shall keep in such form and forward to the department at such intervals, as it may by regulation prescribe, and on such blanks as it may provide, a complete and accurate record of all persons engaged in industrial home work on articles or materials furnished or distributed by him; of all places where such persons work; of all articles or materials furnished and distributed to such persons, described as the department may require; of all goods which such persons have manufactured; of the net cash wages received by each home worker; and of all contractors to whom he has furnished articles or materials to be manufactured for him in any home.

Sec. 13. Conditions of manufacture.—Industrial home work on articles or materials manufactured for any person to whom an employer's permit has been issued shall be performed:—

- (a) Only by a person possessing a valid home worker's certificate.
- (b) Only by persons over the age of sixteen years.
- (c) Only by persons resident in the home in which the work is done.

(d) Only during such hours as may be fixed by law or regulation as permissible hours of labor in factories by persons of the same age and sex as the home worker; and

(e) Only in a home that is clean and sanitary and free from any infectious, contagious, or communicable disease.

Upon the issuance of an employer's permit to an employer, or representative contractor, or a contractor's permit to a contractor, such employer, representative contractor, or contractor, shall be deemed to have accepted responsibility for the observance of the conditions of manufacture specified by this section; and each of such conditions shall be deemed to be a condition of the employer's or contractor's permit to the same extent as though it were expressly set forth therein.

Sec. 14. Labels required.—No employer, or representative contractor, or contractor, shall deliver, or cause to be delivered, any articles or materials to be manufactured by any home worker, unless there has been conspicuously affixed to each article or material a label, or other mark of identification, bearing the employer's or representative contractor's name and address, printed or written legibly in English; but if the articles or materials are of such a nature that they cannot be individually so labeled or identified, then the employer or representative contractor shall conspicuously label, in like manner, the package, or other container in which such articles or materials are delivered, or are to be kept, while in the possession of the home worker.

Sec. 15. Unlawfully manufactured articles.—Any articles, or materials which are being manufactured in a home, in violation of any provision of this act, may be seized and removed by any agent of the department, and may be retained by him until claimed by the employer or representative contractor. The department shall, by registered mail, give notice of such removal to the person whose name and address are affixed to the article, as provided by section fourteen. Unless the article so removed is claimed within thirty days thereafter, it may be destroyed or otherwise disposed of.

Sec. 16. Delivery to contractors.—No employer, or representative contractor, shall deliver, or cause to be delivered, any material or articles to a contractor who is not in possession of a valid contractor's permit.

SEC. 17. Violations.—(a) If the department has reason to believe that a person having an employer's or contractor's permit is not observing the provisions of this act, or of a regulation or order authorized by it to be issued by the department, or the conditions of such permit, the department may, on ten days' notice, summon such person to appear before it to show cause why the department should not find that he has failed to observe such provisions or conditions.

(b) If, after such hearing, the department finds as a fact that such person has failed to observe or comply with a provision of this act, his permit or a regulation or order, issued by the department under authority of this act, the department may—

(1) Revoke the permit of such person, the order of revocation to be effective on a date fixed by the department not more than thirty days after the date of its issuance.

(2) Cause to be published in a newspaper or newspapers circulating within this Commonwealth, or in such other manner as the department may deem appropriate, the name of such person as having failed in the respects stated to maintain the standards established under authority of this act. Such publication may contain an identification by trade name, or otherwise, of the products manufactured or sold by such persons. Neither the department, nor any authorized representative of the department, nor any newspaper publisher, proprietor, editor, nor employe thereof, shall be liable to an action for damages for publishing the name of any person as provided for in this act, unless guilty of some willful misrepresentation.

SEC. 18. Agreements to contributions by employees void.—No agreement by a home worker to pay any portion of a payment required of any person by any provision of this act shall be valid, and no person shall make a deduction for such purpose from the wages or salary of any home worker.

SEC. 19. Filing and inspection of records and returns.—Records, reports, applications, and returns required to be made by this act, shall be kept on file by the Department of Labor and Industry, and shall be open to examination and inspection, and subject to its regulation. They may be used as evidence in any proceeding under this act, but shall not otherwise become a matter of public record.

SEC. 20. Fees of witnesses.—Each witness who appears in obedience to a subpoena issued by the department shall be entitled to such witness fees as the department shall allow, payable from appropriations made to the department for such purposes.

SEC. 21. Penalties.—In addition to any penalties otherwise prescribed in this act—

(a) Any person who willfully makes a false statement or representation in order to lower the amount of fees due from him under this act; or

(b) Any person who makes a deduction from the wages or salary of any home worker to pay any portion of a payment which such person is required by this act to make; or

(c) Any person who refuses to allow the Secretary of Labor and Industry, or his authorized representative, to enter his place of business for the purpose of inspecting his pay roll, or other records or documents relative to the enforcement of this act, or who refuses to permit the Secretary of Labor and Industry, or his authorized representative, to copy such record or documents, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000.00), or to undergo imprisonment for a term of six (6) months, or both, in the discretion of the court.

SEC. 22. Rules and regulations.—Rules and regulations necessary to carry out the provisions of this act shall be made by the department. It shall have the power, and its duty shall be, to enforce all the provisions of this act, except as otherwise specifically provided.

SEC. 23. Payment into State Treasury.—All fees and other moneys derived from the operation of this act shall be paid into the State Treasury, through the Department of Revenue to the credit of the general fund.

SEC. 24. Constitutional construction.—The provisions of this act are severable, and if any of its provisions shall be held unconstitutional, or inapplicable to any person, or circumstances, the decision of the court shall not affect or impair any of the remaining provisions of this act. It is hereby declared to be the legislative intent that this act would have been adopted had such provisions not been included herein.

SEC. 25. Repeal of existing law.—All acts and parts of acts inconsistent with this act are hereby repealed.

REGULATIONS FOR INDUSTRIAL HOME WORK (DEPARTMENT OF LABOR AND INDUSTRY), EFFECTIVE DECEMBER 10, 1937

In accordance with the recommendations of the Industrial Board, these regulations have been promulgated and are effective as of December 10, 1937.

SECRETARY OF LABOR AND INDUSTRY.

FOREWORD: These regulations shall be understood—

To pertain to industrial home work as hereinafter defined;

To set forth rules to safeguard the life, limb, and health of workers who engage in industrial home work;

To place the responsibility of complying with the regulations upon both the employer, the representative contractor, or the contractor and upon the employee.

It shall be understood further that the provisions of all other regulations of the department shall apply in all matters not specifically covered by these regulations which involve the life, limb, and health of workers.

PENALTY: Every person or persons who violate any of the provisions of these regulations of the department or who interfere with the Secretary of Labor and Industry or his duly authorized representative in the enforcement of these regulations shall be deemed guilty of a misdemeanor in accordance with Section 7, 9 or 21 of Act 176 of 1937.

PETITION: For the modification of any of these rules the following shall be the method of procedure:

Any employer, employee, or other person interested or affected by such rules may petition for a hearing on the reasonableness of such rules by filing a petition with the secretary of the Industrial Board at Harrisburg, Pennsylvania, setting forth the rule or rules upon which a change is desired and the reasons for said change.

Upon receipt of a petition the Industrial Board will determine its merits and if a hearing is necessary, notice of time and place will be given to the petitioner and to such other persons as the Industrial Board may find directly interested.

INDUSTRIAL HOME WORK

Section 1.—DEFINITIONS

(a) The term "home work" shall mean any manufacture in a home of articles, or materials for an employer, a representative contractor, or a contractor.

(b) The term "employer" shall mean any person who for his own account or benefit, directly or indirectly, or through an employee, agent, independent contractor, or any other person;

(1) Delivers, or causes to be delivered to another person, any articles or materials to be manufactured in a home and thereafter to be returned to him, not for the personal use of himself or of a member of his family, or thereafter to be disposed of otherwise in accordance with his directions, or

(2) Sells to another person, any materials or articles for the purpose of having such articles or materials manufactured in a home and of then rebuying such materials or articles after such manufacture, either by himself, or by someone designated by him.

(c) The term "contractor" shall mean any person who for the account or benefit of an employer, representative contractor or other person, distributes to a home worker, or any other person, not recruited or engaged by such employer, representative contractor, or other person, articles or materials to be manufactured in a home, and thereafter to be returned to him or otherwise disposed of in accordance with his directions.

(d) The term "representative contractor" shall mean any person who receives from an employer, or contractor not within the State, articles or materials to be distributed by him to any home worker, or other person, not recruited or engaged by such employer or contractor, to be manufactured in a home, and thereafter to be returned to him, or otherwise disposed of, in accordance with his directions.

(e) The term "home worker" shall mean any person engaged in manufacturing in a home, articles or materials for an employer, a representative contractor, or a contractor.

(f) The term "home" shall mean any room, house, apartment or other premises, whichever is most extensively used, in whole or in part, as a place of dwelling, and including outbuildings upon premises that are primarily used as a place of dwelling, where such outbuildings are under the control of the person dwelling on such premises.

(g) The term "manufacture" shall mean to prepare, alter, repair, finish, or process, in whole or in part, or handle in any way connected with the production, wrapping, packaging, or preparation for display of an article or materials.

(h) The term "person" shall mean an individual, partnership, firm, association, domestic or foreign corporation, the legal representatives of a deceased individual, or the receiver, trustee, or successor of an individual, partnership, association, or corporation.

(i) The term "department" shall mean the Department of Labor and Industry.

(j) The term "board" shall mean the Industrial Board.

(k) The term "secretary" shall mean the Secretary of Labor and Industry.

Section 2.—SPECIFICATIONS

(a) No employer or representative contractor shall furnish material to any contractor or home worker until such employer or representative contractor has first secured a permit from the Department of Labor and Industry. No contractor shall furnish material to home workers until said contractor has first secured a permit from the Department of Labor and Industry. A contractor's permit shall entitle the contractor to accept materials to be given to home workers only from those employers or representative contractors who have been issued permits by the department as employers or representative contractors to distribute home work. In the event the employer is a resident of a jurisdiction other than that of the Commonwealth of Pennsylvania, he shall cause his duly authorized agent in this Commonwealth to secure a permit as a representative contractor. When any person furnishes, or causes to be furnished, material to a contractor for the purpose of manufacture in whole or in part by home workers such person shall be considered as an employer,

and must be licensed as such. Permits may be revoked if, after a hearing, it is determined that any of these regulations or the provisions of Act 176 of 1937 (Industrial Home Work Law), Act 177 of 1915 as amended (Child Labor Law), or Act 466 of 1913 as amended (Woman's Labor Law) have been violated.

(b) Every employer, representative contractor, or contractor, whichever one distributes materials direct to home workers, shall forward to the Department of Labor and Industry, between the first and fifteenth day of March, June, September, and December, a complete list of home workers employed by him. Such lists shall give the name, address, and age (if under twenty-one), of each home worker, and the wages received. There shall also be submitted a statement of the materials furnished and articles manufactured by each home worker. A list of contractors to whom materials have been furnished must likewise be submitted by each employer or representative contractor furnishing materials to a contractor. Each contractor shall also submit a list of employers or representative contractors from whom he has received materials, and indicate whether or not the materials furnished were in turn given out to home workers.

(c) The employer or representative contractor shall place upon each unit of delivery or shipment to a home worker a label of a design which has been registered with the Department of Labor and Industry at the time of securing the license specified in paragraph (a) of this section. Where material to home workers is distributed by a contractor, the label shall bear the name of the contractor in addition to the name of the employer or representative contractor. Such labels shall not be removed from the wrapper or container in which the home work is delivered until the work has been completed and returned to the employer.

(d) The employer, representative contractor, or contractor shall not distribute directly or indirectly to a home worker any materials to be manufactured, finished, repaired, altered or handled in any manner until he has assured himself that the home in which such work is to be done is in a clean and sanitary condition and free from any infectious, contagious or communicable disease. The recommended Health and Sanitation Housing Standards of the Pennsylvania Department of Health may be used as a guide for determining the sanitary condition of the home.

(e) The employer, representative contractor, or contractor upon being notified by a representative of the Department of Labor and Industry or local or State Department of Health of the existence of any infectious, contagious or communicable disease in a home where industrial home work is being done shall, if permitted by such local or State Department of Health, remove all articles or materials from such home and said articles or materials shall be immediately sterilized in a manner approved by the Department of Labor and Industry. The employer, representative contractor, or contractor shall not again furnish materials to a home worker living in such a home until he has been notified by one of the agents mentioned above that the home is free from such infectious, contagious or communicable disease.

(f) The employer, representative contractor, or contractor, whichever one distributes materials directly to home workers, shall designate some person over twenty-one years of age (parent, guardian or home worker) in each home where home work is done as his duly authorized representative in that home, who, together with the said employer, representative contractor, or contractor shall be jointly responsible for the carrying out of the provisions of Act 176 of 1937 (Industrial Home Work Law), Act 177 of 1915 as amended (Child Labor Law), Act 466 of 1913 as amended (Woman's Labor Law), and the rules and regulations of the Department of Labor and Industry for industrial home work. Any employer or representative contractor who furnishes materials to a contractor to be distributed to home workers

when that contractor is violating the provision of the laws or regulations applicable to industrial home work, shall be held jointly responsible with the contractor.

APPENDIX

FEMALE PROHIBITIONS FOR INDUSTRIAL HOME WORK

1. No female shall be employed more than 8 hours in any one day, nor more than 44 hours in any one week nor more than 5½ days consecutively.

2. No female under twenty-one years of age shall be employed before 6 a. m. or after 9 p. m.

3. No female shall be employed for more than five hours continuously without a rest or meal period of at least 30 minutes.

4. No female over twenty-one years of age shall be employed before 6 a. m. or later than 10 p. m.

CHILD LABOR PROHIBITIONS FOR INDUSTRIAL HOME WORK

1. Minors under 16 shall not be employed in industrial home work. A minor between 16 and 18 may be employed in such work as will not interfere with school attendance. The hours spent in school shall be considered as part of the working day or week. No minor under 18 may be employed for more than 44 hours a week, or more than 8 hours per day.

2. No minor under 18 may be employed without an employment certificate which must be kept on file by the employer.

3. General employment certificates are required where children between 16 and 18 are employed all the time.

4. Vacation employment certificates are required where minors 16 to 18 work at any time except when they are required to attend school.

5. Employment certificates may be issued only by the District Superintendent, Supervising Principal, or Secretary of the Board of School Directors, or other school official, deputized in writing by any of the other school officials authorized by law to issue such certificates.

6. Before an employment certificate is issued the prospective employer must make a statement in writing that he expects to give employment to a minor applying for such certificate.

7. Employers must acknowledge in writing, to the issuing officer, receipt of an employment certificate within 3 days after beginning of minor's employment.

8. Upon termination of employment, the employer must return the employment certificate *by mail* to the issuing school official.

**Interpretations, Department of Labor and Industry, approved
December 9, 1937**

"It is interpreted that the regulations for Industrial Home Work do not apply to merchant tailors who operate their own shops and who give out some portion of the work in the making of a garment to other tailors who do the work in their own shops."

**Interpretations, Department of Labor and Industry, effective
December 10, 1937**

1. "It is interpreted that the assembling or placing of partitions in candy boxes or other boxes used in the packing of food is prohibited as industrial home work."

2. "It is interpreted that the manufacture of doll clothing by industrial home workers is prohibited."

**Regulations for Industrial Home Work, Department of Labor and
Industry, effective March 10, 1938**

"Employers who give out industrial home work exclusively to handicapped persons are subject to the provisions of the Industrial Home Work Law and Regulations, except that where such practices are confined to a restricted number of persons and careful investigation of each case by the department verifies the facts submitted, the requirement for payment of license fees may be waived after approval by the Industrial Board."

RHODE ISLAND

RHODE ISLAND PUBLIC LAWS, 1936, CHAP. 2328

AN ACT CONCERNING INDUSTRIAL HOME WORK

It is enacted by the General Assembly, as follows:

SECTION 1.—Statement of purpose.—The employment of women and minors in industry in the State of Rhode Island under conditions resulting in wages unreasonably low and conditions injurious to their health and general welfare is a matter of grave and vital public concern. Any conditions of employment especially fostering such working conditions are therefore destructive of purposes already accepted as sound public policy by the General Assembly and should be brought into conformity with that policy. Uncontrolled continuance of home work is such a condition; here wages are notoriously lower and working conditions endanger the health of the workers; the protection of factory industries, which must operate in competition therewith and of the women and minors employed therein and of the public interest of the community at large in their health and well being, require strict control and gradual elimination of industrial home work.

SEC. 2. Definitions.—The following terms as used in this act shall mean:

a. "Processing"—manufacturing, finishing, repairing, preparing, altering, packing, wrapping or handling any material.

b. "Employer"—any person who either directly or through an employee, agent, independent contractor, or any other person, delivers or causes to be delivered to another person, any materials to be processed in a home, and which are thereafter to be returned to him or to some person acting on his behalf, not for the personal use of himself or of a member of his family.

c. "Person"—an individual, a corporation, a partnership, an association, firm, trustee, receiver and assignee for the benefit of creditors, or corporation, except charitable organizations.

d. "Industrial home work"—the processing in a home, in whole or in part, of material which has been furnished by an employer, of any article or articles to be returned to the said employer.

e. "Industrial home worker"—any person who processes in a home, in whole or in part, out of material furnished by an employer for industrial home work, any article or articles to be returned to such employer directly or indirectly.

f. "Home"—any dwelling house, tenement house, rooming house, apartment house or other residential building or any part thereof.

SEC. 3. Powers and duties of the director of labor.—

a. The distribution of industrial home work as hereinbefore defined is hereby prohibited except where licenses and certificates have been obtained from the director of labor. The director of labor shall issue licenses to employers and certificates permitting industrial home work to industrial home workers who have reached the age of fifty years, or who are physically handicapped so as not to be able to go to the employer's place of business to work. The director of labor shall issue licenses to employers and certificates to industrial home workers regardless of whether such home workers

are physically handicapped or have reached the age of fifty years, in any industry where such home work is customary in Rhode Island, permitting such industrial home work unless it would unduly jeopardize the factory workers in such industry both as to wages and working conditions, unless it would unduly injure the health and welfare of the industrial home worker himself and unless it would unduly jeopardize the public health and safety to have such industrial home work products distributed.

b. The director of labor may revoke or suspend the license of any employer or the certificate of any industrial home worker for a violation by such employer or industrial home worker of the terms of such license or certificate or any provisions of this chapter, or of any regulation made by the director of labor, or for noncompliance with an order issued by him within the time specified in such order. No license or certificate shall be refused, revoked or suspended unless the holder previously have reasonable notice and the opportunity to be heard.

c. A fee shall be paid annually to the director of labor, on behalf of the state of Rhode Island, for issuing or extending an employer's license. Where an employer is delivering or causing to be delivered industrial home work to five persons or less, the annual fee shall be five dollars; if from five to twenty persons, ten dollars; if from twenty to one hundred persons, twenty-five dollars; if more than one hundred persons, fifty dollars.

d. The director of labor shall issue rules and regulations designed to control and regulate industrial home work where such is permitted, and to carry out the provisions of this act.

e. The director of labor shall inspect every home in which industrial home work is permitted and the materials issued to the industrial home worker. If the inspection discloses that any such home is not clean, the director of labor shall order the tenant at once to clean it, and if the inspection discloses that such home is in an insanitary condition, or that there is an infectious or communicable disease, he shall at once notify the department of public health and the local public-health officials. The director of labor shall report to each local health officer the names and addresses of all industrial home workers in his city or town, and such local health officer shall notify the director of labor within twenty-four hours of any cases of communicable or infectious disease in such industrial home workers' homes. The director of labor shall forthwith order employers to suspend the distribution of home work to such homes until further notice.

SEC. 4. Conditions for permitting industrial home work.—

a. No employer shall deliver or cause to be delivered, or received, any articles for, or as the result of home work processing, unless he shall keep in such form and forward to the director of labor at such intervals as the latter may by regulation prescribe on such blanks as he may provide, a complete and accurate list of all persons engaged in industrial home work, of materials furnished and distributed by such employer, of all places where industrial home workers work, of all materials furnished and distributed to industrial home workers, of all goods which such industrial workers have processed, and of the rate of wage paid to each such industrial home worker.

b. No child under sixteen years of age shall be employed gainfully or otherwise in industrial home work. No industrial home work shall be processed except by a person to whom a certificate has been issued and no such person shall redistribute such home work on a subcontractual basis. The employer shall allow the industrial home worker sufficient time to process the entire amount of home work which has been distributed to him in order that such home work may be completed without assistance from other persons.

c. No person shall do industrial home work unless his name is on a home worker's certificate issued by the director of labor and permitting industrial home work to be done by him. Such certificate shall be shown on demand of the director of labor or any of his duly authorized agents. No woman or minor industrial home worker shall work more than the number of hours per day or per week permitted women and minor workers in factories, manufacturing, mechanical, business or mercantile establishments within this State, nor shall the rates of compensation be less than those paid for similar or comparable work in the factory.

d. Any cost of obtaining or returning material for industrial home work or the completed product shall be borne by the employer.

e. No person shall carry on industrial home work except in accordance with this act.

SEC. 5. Penalties.—Any person who shall violate any provision of this act shall be fined not more than fifty dollars.

SEC. 6. Saving clause.—If any provision of this act or the application thereof to any person or circumstances is held invalid the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 7. The provisions of this act shall not apply to any corporation organized under the provisions of section 72 of chapter 248 of the general laws of 1923¹ or to any individual or organization engaged in providing work of a philanthropic, educational or therapeutic nature.

SEC. 8. This act shall take effect June 1, 1936, and all acts and parts of acts inconsistent herewith are hereby repealed.

MANDATORY MINIMUM WAGE ORDER NO. 1, APPLYING TO JEWELRY MANUFACTURING OCCUPATIONS, EFFECTIVE AUGUST 1, 1937²

MINIMUM FAIR WAGE RATES FOR WOMEN AND MINORS EMPLOYED IN THIS OCCUPATION

DEFINITIONS

Jewelry.—The term jewelry as used herein means jewelry of whatever material composed commonly or commercially so known and articles of ornament or adornment, except clothing, of whatever material composed intended or designed to be worn on apparel or carried or worn on or about the person, and shall include parts of these articles.

Without limiting the generality of the foregoing, the term jewelry shall expressly include the following: rings; bracelets; necklaces; earrings; brooches; bar pins; compacts and vanity cases; cigarette cases and lighters; buckles and ornaments for millinery, dresses, bags and shoes; buttons of a jewelry nature; ornamental handbag frames and clasps; religious medals; religious articles of a jewelry nature; rosary beads; insignia jewelry and medals, including those for clubs, fraternities, schools, colleges and other organizations; artificial pearls; beads of every material; watch bracelets and wrist watch attachments; collar buttons; men's jewelry; mechanical pens and pencils of

¹ General Laws, 1923, chapter 248, section 72:

SECTION 72. All libraries, lyceums, fire engine companies, and corporations formed for religious, charitable, literary, scientific, artistic, social, musical, agriculture, theatrical or sporting purposes, not organized for business purposes, and all corporations of like nature, shall be created in the following manner:

² Issued pursuant to Public Laws, 1936, chapter 2280.

ornamental design; watch cases; novelties of a jewelry nature of whatever material made; the products of all processes (whether in manufacturing plants, or in job shops, so called) which serve the jewelry industry, expressly including processing on which are employed bobbars, buffers, polishers, platers, engine turners, engravers, stonemasons, lacquerers, enamellers or solderers; the products of refiners and all other manufacturers, the major part of whose work is for the jewelry industry; and the products of manufacturers of flat stock, sheet, wire, tubing, chain and metal findings for the jewelry industry.

Jewelry manufacturing occupations.—The occupations referred to herein are all occupations which have any part in the making, processing or production of jewelry, as the term is used herein, including tool making and hub and die cutting, and including the operations of carding, boxing and other preparations for shipment or sale and *including office workers and errand boys.*

* * * * *

HOME WORK

Jewelry home work is hereby prohibited. No licenses or certificates will be issued for home work in this industry unless such work is provided for persons physically handicapped by age or disability in accordance with the provisions of Public Laws 1936, chapter 2328.

* * * * *

PENALTIES. (See Public Laws 1936 Chapter 2289 Section 18)

(a) For discharge or discrimination against an employee for serving or being about to serve on a wage board or for testifying or being about to testify in any investigation or proceeding under the act—a fine of not less than \$50.00 nor more than \$200.00.

(b) For paying or agreeing to pay to any woman or minor employee less than 30 cents an hour—a fine of not less than \$50.00 nor more than \$200.00 or imprisonment for not less than 10 nor more than 90 days or by both such fine and imprisonment; each week and each employee shall constitute a separate offense.

(c) For failure to keep and furnish records as above specified—a fine of not less than \$25.00 nor more than \$100.00.

MANDATORY MINIMUM WAGE ORDER NO. 2, APPLYING TO WEARING APPAREL AND ALLIED OCCUPATIONS, EFFECTIVE APRIL 25, 1938¹

MINIMUM FAIR WAGE RATES FOR WOMEN AND MINORS EM- PLOYED IN THESE OCCUPATIONS

DEFINITIONS

Wearing apparel and allied occupations.—The occupations referred to herein mean wearing apparel and accessories, of whatever material composed, commonly or commercially known as garments or garment accessories, intended or designed to be worn or carried on or about the person, and shall include parts of these articles and their repair and alteration, and such occupations as are allied with these through like processes of manufacture. They shall specifically include such occupations in factories, shops, or parts thereof, as manufacture, repair, or alter cotton garments; rayon garments; silk garments; woolen gar-

¹ Issued pursuant to Public Laws, 1936, chapter 2289.

ments; elastic and rubber garments; knit goods; men's coats and suits; raincoats; leather, rubber and fabric shoes; handkerchiefs; handbags; hats and hat linings; and such allied occupations as upholstery and curtain, rug, pillow and mattress manufacture.

Occupations.—The occupations referred to herein are all occupations which have any part in the making, processing or production, repair or alteration of wearing apparel and allied articles.

* * * * *

Home work.—Home work in the aforementioned occupations is hereby prohibited except for persons physically handicapped by age or disability who hold certificates issued by the Department of Labor in accordance with the provisions of the Public Laws of 1936, chapter 2328.

* * * * *

PENALTIES. (See Public Laws 1936 chapter 2289 section 18)

(a) For discharge or discrimination against an employee for serving or being about to serve on a wage board or for testifying or being about to testify in any investigation or proceeding under the act—a fine of not less than \$50.00 nor more than \$200.00.

(b) For paying or agreeing to pay to any woman or minor employee less than the rates applicable to such woman or minor—a fine of not less than \$50.00 nor more than \$200.00 or imprisonment for not less than 10 nor more than 90 days or by both such fine and imprisonment; each week and each employee shall constitute a separate offense.

(c) For failure to keep and furnish records as above specified—a fine of not less than \$25.00 nor more than \$100.00.

TENNESSEE

CODE OF TENNESSEE, 1932, SECTIONS 5343, 5345, 6633-6639

SEC. 5343. Light and air required; permit for children under sixteen.—No person shall hire, employ, or contract with another to manufacture, alter, repair, or finish any article in any room, apartment, or tenement, unless said room, apartment, or tenement shall be well lighted and ventilated and shall contain at least five hundred cubic feet of air space for every person working therein; provided, that where children under the age of sixteen years live in such room, apartment, or tenement, they shall not engage in any work above specified without first obtaining a permit so to do from the bureau of workshop and factory inspection.

* * * * *

SEC. 5345. Refusal to comply with orders a misdemeanor.—Any owner, manager, foreman, or other person who may refuse, fail, or neglect to comply with the orders issued by said chief or deputies shall be guilty of a misdemeanor, and punished by a fine of not less than fifty dollars, nor more than one hundred dollars, and in addition thereto a fine of five dollars for each day after the time limit elapsed until said order is carried out acceptably to said bureau chief or said deputies. Any fine thus imposed shall, through the county court, be paid to the State treasurer and be credited to the division of factory inspection, and shall be used in paying the incidental expenses of said division.

* * * * *

SEC. 6633. Clothing, etc., for sale not be manufactured in eating or sleeping rooms.—No room or apartment in any tenement or dwelling house, used for eating or sleeping purposes, shall be used for the manufacture for sale, in whole or in part, of coats, vests, trousers, knee pants, overalls, cloaks, shirts, ladies waists, purses, feathers, artificial flowers, or any other wearing apparel, or cigars, except by the immediate members of the family living therein.

SEC. 6634. Conditions of workshop, notice of location; inspection of clothing.—Every such workshop shall be kept in a cleanly state and shall be subject to the provisions of this chapter; and each of said articles made, altered, repaired or finished in any such workshop shall be subject to examination and inspection, as hereinafter provided, for the purpose of ascertaining whether said articles or any of them or any part thereof, are in a cleanly condition and free from vermin and any matter of an infectious and contagious nature; and every person, so occupying or having control of any workshop aforesaid, shall within fourteen days from the time of beginning of work in any such workshop, notify the board of health of the location of such workshops, the nature of the work there carried on, and the number of persons therein employed.

SEC. 6635. Workshop and clothing to be disinfected.—If the board of health of any city or said chief inspector of factories or his deputies find evidence of infection or contagious disease present in any workshop or in goods manufactured, or in the process of manufacture

therein, and said board or chief inspector or deputies shall issue such order or orders as the public health may require, the board of health are enjoined to condemn or disinfect all such infectious and contagious articles.

SEC. 6636. Clothing and goods transported to this state to be inspected, condemned, and disinfected.—Whenever it shall be reported to said chief inspector of factories, or to such board of health, that coats, vests, trousers, knee pants, overalls, cloaks, skirts, ladies waists, purses, feathers, artificial flowers, or cigars are being transported to this state, having been previously manufactured in whole or in part under unhealthy conditions, said chief factory inspector or deputies shall examine said goods and the condition of their manufacture and if, upon such examination, said goods or any part of them are found to contain vermin or to have been made in improper places, or under unhealthy conditions, he shall make report thereof to the board of health, which board shall thereupon make such order or orders as the public health require; and the board of health is empowered to condemn and disinfect all such articles.

SEC. 6637. Manufacturing establishment or factory or workshop is defined.—The words “manufacturing establishment or factory or workshop,” whenever used in this chapter, shall be construed to mean any place where goods or products are manufactured or repaired, cleaned, or sorted, in whole or in part, for sale or for wages. Whenever any house, room, or place is used for the purpose of carrying on any process of making, altering, repairing, or finishing, for sale or for wages, any coats, vests, trousers, knee pants, overalls, cloaks, shirts, waists, purses, feathers, artificial flowers, or cigars, or any wearing apparel of any kind whatsoever, intended for sale, shall, within the meaning of this chapter, be deemed a workshop for the purpose of inspection.

SEC. 6638. List of workshops in employ, and production for inspection.—It shall be the duty of every person to keep a complete list of all such workshops in his employ, and such list shall be produced for inspection or on demand by the board of health or any of the officers thereof, or by the chief inspector of factories or any of his deputies.

SEC. 6639. Failure to comply as a misdemeanor; fine.—Any firm, who fails to comply with any of the provisions of this chapter, shall be guilty of a misdemeanor, and be fined not less than ten dollars, nor more than one hundred dollars, for each offense.

TEXAS

GENERAL AND SPECIAL LAWS, 1937, CHAPTER 481

An act regulating industrial home work; defining certain terms; prohibiting certain forms of industrial home work; empowering the Board of Health to enforce the provisions of this Act; prescribing the procedure to be used by the Board of Health; requiring an employer's permit for industrial home work and providing a license fee therefor; requiring a certificate for any person who shall engage in industrial home work; requiring all materials or articles manufactured by industrial home work to be labeled with the employer's name and address; providing that articles unlawfully manufactured by home work may be seized by the Board of Health; requiring an employer to keep records of industrial home work; making it the duty of the Board of Health to enforce the provisions of this Act; authorizing the Board of Health or its authorized representatives to administer oaths and take affidavits; providing a penalty; providing if any part of the Act is declared invalid the remainder of the Act shall not be affected; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Definitions.—Whenever used in this Act:

"To manufacture" includes to prepare, alter, repair, or finish in whole or in part for profit and compensation.

"Person" includes a corporation, copartnership, or a joint association.

"Employer" means any person who, directly or indirectly or through an employee, agent, independent contractor, or any other person, delivers to another person any materials or articles to be manufactured in a home and thereafter to be returned to him, not for the personal use of himself or of a member of his family.

"Home" means any room, house, apartment, or other premises, whichever is most extensive, used in whole or in part as a place of dwelling.

"Industrial home work" means any manufacture in a home of materials or articles for an employer.

"Board" means the State Board of Health.

SEC. 2. Prohibited home work.—No permit or certificate shall be issued under this Act to authorize the manufacture or the delivery of materials for the manufacture of articles, the manufacture of which by industrial home work is determined by the Board to be injurious to the health or welfare of the industrial home workers within the industry, or to the general public, or to render unduly difficult the maintenance of existing health standards or the enforcement of health standards established by law or regulation for factory workers in the industry.

SEC. 3. Power to prohibit.—The State Board shall have the power to make an investigation of any industry which employs industrial home workers, in order to determine if conditions of employment of industrial home workers in such industry are injurious to their health and welfare. If, on the basis of information in its possession, after an investigation, as provided in this Section, the Board shall find that industrial home work cannot be continued within an industry without injuring the health and welfare of the industrial

home workers within that industry, or the general public, the Board of Health shall by order declare such industrial home work unlawful as provided in Section 2 and require all employers in such industry to discontinue the furnishing within this State of material for industrial home work, and no permit issued under this Act shall be deemed thereafter to authorize the furnishing of materials for industrial home work prohibited by such order.

SEC. 4. Procedure.—Before making such order the Board shall hold a public hearing or hearings at which an opportunity to be heard shall be afforded to any employer, or representative of employers, and any industrial home worker or representative of industrial home workers, and any other person or persons having an interest in the subject matter of hearing. A public notice of such hearing shall be given at least thirty (30) days before the hearing is held and in such manner as may be determined by the Board. Such hearing or hearings shall be in such place or places as the Board deems most convenient to the employer and industrial home workers to be affected by such order. The Board shall determine the effective date of such order, which date shall be not less than ninety (90) days after the date of its promulgation.

SEC. 5. Employer's permit.—No materials for manufacture by industrial home work shall be delivered to any person in this State unless the employer so delivering them or his agent, if the employer is not a resident of this State, has obtained a valid employer's permit from the Board. Such permit shall be issued upon payment of a fee of fifty dollars (\$50), and shall be valid for a period of one year from the date of its issuance, unless sooner revoked or suspended. Application for such permit shall be made in such form as the Board may by regulation prescribe. No employer shall deliver or cause to be delivered any materials or articles for manufacture by industrial home work to a person who is not in possession of a valid employer's permit or home worker's certificate, issued in accordance with this Act. The Board may revoke or suspend any employer's permit if it finds that the employer has violated this Act or has failed to observe or comply with any provision of his permit.

SEC. 6. Home worker's certificate.—No person shall engage in industrial home work within this State unless he has in his possession a valid home worker's certificate issued to him by the Board. Such certificate shall be issued upon the payment of a fee not to exceed fifty (50) cents and after the person applying for such certificate shall present and furnish a health certificate or other evidence showing good health as may be required by the Board and shall be valid for a period of one year from the date of its issuance, unless sooner revoked or suspended. Application for such certificate shall be made in such form as the Board may by regulation prescribe. Such certificate shall be valid only for work performed by the applicant himself in his own home. No home worker's certificate shall be issued to any person under the age of fifteen (15) years or to any person suffering from an infectious, contagious, or communicable disease, or living in a home that is not clean, sanitary, and free from infectious, contagious, or communicable disease. The Board may revoke or suspend any home worker's certificate if it finds that the industrial home worker is performing industrial home work contrary to the conditions under which the certificate was issued or in violation of this Act or has permitted any person not holding a valid home worker's certificate to assist him in performing his industrial home work.

SEC. 7. Labels required.—No employer shall deliver or cause to be delivered to any person any materials or articles to be manufactured by industrial home work unless there has been conspicuously affixed to each article or, if this is impossible, to the package or other container in which such goods are delivered or are to be kept, a label

or other trade-mark of identification bearing the employer's name and address, printed or written legibly in English.

SEC. 8. Unlawfully manufactured articles.—Any article which is being manufactured in a home in violation of any provision of this Act may be removed by the Board and may be retained until claimed by the employer. The Board shall by registered mail give notice of such removal to the person whose name and address are affixed to the article as provided in Section 7. Unless the article so removed is claimed within thirty (30) days thereafter, it may be destroyed or otherwise disposed of.

SEC. 9. Records to be kept.—No person having an employer's permit shall deliver or cause to be delivered or received any article for, or as a result of, industrial home work unless he shall keep in such form and forward to the Board at such intervals as it may by regulation prescribe, and on such blanks as it may provide, a record of all persons engaged in industrial home work on materials furnished or distributed by him, of all places where such persons work, of all articles which such persons have manufactured, of all agents or contractors to whom he had furnished materials to be manufactured by industrial home work, and of all persons from whom he has received materials to be so manufactured. This information and record shall be for the sole benefit of aiding the Board to enforce the provisions of this Act and shall not be for publication and shall not be divulged except to authorized representatives of the Board in the enforcement of this Act.

SEC. 10. Enforcement.—The Board shall have the power and it shall be its duty to enforce the provisions of this Act. The Board and authorized representatives of the Board are authorized and directed to make all inspections and investigations necessary for the enforcement of this Act. Rules and regulations necessary to carry out the provisions of this Act shall be made by the Board and violation of any such rule or regulation shall be deemed a violation of this Act.

SEC. 11. Oaths and affidavits; hearings and subpoenas.—In matters relating to this Act, the Board or its duly authorized representative may administer oaths, take affidavits, and issue subpoenas for and compel the attendance of witnesses and the production of books, contracts, papers, documents, and other evidence of whatever description; may hear testimony under oath and take or cause to be taken depositions of witnesses residing within or without this State in the manner prescribed by law for like depositions in civil actions in the justice of the peace court. Subpoenas and commissions to take testimony shall be issued under seal of the Board of Health.

SEC. 12. Penalties.—In addition to any penalties otherwise prescribed in this Act, any employer who delivers or causes to be delivered to another person any materials for manufacture by industrial home work without having in his possession a valid employer's permit as required by Section 5 of this Act, or any employer who refuses to allow the Board or its authorized representative to enter his place of business for the purpose of making investigations authorized by this Act or necessary to carry out its provisions, or who refuses to permit the Board or its authorized representative to inspect or copy any of his records or other documents relating to the enforcement of this Act, or who falsifies such records or documents or any statement which he is required by the commissioner acting under authority of this Act to make, or any employer who otherwise violates this Act or any provision of this permit, shall be deemed guilty of a misdemeanor and upon conviction be punished by a fine of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200) or by imprisonment for not less than thirty (30) nor more than sixty (60) days or by both such fine and imprisonment.

SEC. 13. Saving clause.—If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 14. Emergency clause.—The fact that there is no statute regulating home work in Texas at the present time and the further fact that unhealthy and unsanitary conditions prevail in many homes where such work is done and the further fact that the law now affords no satisfactory check on the materials and ingredients used in such work create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

WISCONSIN

WISCONSIN STATUTES, 1937, SECTIONS 103.44, 101.28 AND 146.03

SEC. 103.44. Permits; house contract work; penalties.—No owner or lessee of any factory, nor any manager, employe or agent of such owner or lessee, and no contractor doing work for any factory, shall contract with any person to manufacture, alter, repair, or finish any articles in any tenement or dwelling house, or in any shed or other building situated in the rear of any tenement or dwelling house, unless there has been secured a permit from the industrial commission authorizing such factory or contractor to engage in home work manufacture. Such permits shall be conditioned upon compliance with sections 103.05 to 103.15,¹ inclusive, sections 104.01 to 104.12,² inclusive, and section 146.03 of the statutes, and upon furnishing to the industrial commission any information which it may require to determine whether these provisions of the statutes are complied with in such home work manufacture. Failure to faithfully observe these conditions shall be cause for the revocation of such permits. So far as not inconsistent with the provisions of this section the provisions of sections 101.01 to 101.28, inclusive,³ of the statutes, are made a part hereof, and the penalties therein shall be applied to and be imposed for any violations of this section.

* * * * *

SEC. 146.03. Home manufacturing.—(1) Under this section "manufacturer" shall mean the owner or lessee of any factory or contractor for such owner or lessee, "manufactured" shall mean manufactured, altered, repaired or finished, and "home" shall mean any tenement or dwelling, or a shed or other building in the rear thereof.

(2) No articles shall be manufactured for a manufacturer in a home unless he shall have secured a license from the local health officer, which shall designate the room, apartment or building and names of the persons to be employed. License shall be granted only upon payment of a fee of one dollar, and when the health officer shall have satisfied himself through inspection that the place is clean and fit for the purpose and that none of the persons employed or living therein are afflicted with any communicable disease likely to be transmitted to consumers. The license shall be issued for one year. At least one reinspection shall be made during the year, and the license revoked if reinspection discloses improper conditions. The license shall be kept on file in the principal office of the licensee.

(3) The state board of health and the industrial commission may jointly adopt and enforce rules and regulations for local health officers hereunder, and may prohibit home work upon specified articles when necessary to protect health of consumers or workers. Subsections (3), (4) and (5) of section 140.05 shall apply.

¹ Child labor law.

² Minimum wage law.

³ Law establishing Industrial Commission and prescribing its powers and duties.

(4) Every manufacturer giving out articles or materials to be manufactured in any home shall issue therewith a label bearing the name or place of business of the factory, written or printed legibly in English, and shall keep a register of the names and addresses of the persons to whom given, and with whom contracts to do so were made, the quantities given out and completed and the wages paid. This register may be inspected by the state health officer, a deputy state health officer, the local health officer, or a deputy of the industrial commission.

(5) Anyone who shall for himself or as manager or agent give out materials to be manufactured, in a home, for an unlicensed manufacturer or who shall employ, or contract with anyone to do such work without such license shall forfeit to the State not less than ten nor more than one hundred dollars for each offense.

* * * * *

LAWS OF WISCONSIN, SPECIAL SESSION, 1937, CHAPTER 6

An act to repeal sections 103.05, 103.055, 103.12, 103.13, 103.14 and 103.15; and to create sections 103.64 to 103.82 and subsection (5) of section 102.07; and to amend subsections (1), (2) and (5) of section 102.60 of the statutes and section 3 of chapter 401, laws of 1937, relating to child labor, and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

* * * * *

103.69. Minimum ages for hazardous employments.—Except as the commission may from time to time issue orders under subsection (1) of section 103.66 altering or supplementing the following schedule, the employments and places of employment designated herein shall be deemed to be dangerous or prejudicial to the life, health, safety or welfare of minors or females under the ages specified, and no employer shall employ or permit such minors or females to work in such employments:

* * * * *

(3) Minors under eighteen:

* * * * *

(j) Home work; work given out in factories to be done in homes.

INDUSTRIAL COMMISSION ORDER NO. 4

"Home workers" as a minimum must be paid such piece rates which will yield the women and minor employes of the same employer who are of average ability and are employed in the factory, the rates prescribed in Order No. 1.⁴

⁴General Minimum Wage Regulations for Minors and Adult Women.

PUERTO RICO

LAWS OF PUERTO RICO 1939, ACT NO. 163

SECTION 1. Legislative purpose.—Puerto Rico has long recognized that employment of men, women, and children under conditions detrimental to health and general welfare results in injury, not only to the workers immediately affected, but also to public interest as a whole. This recognition has produced a broad program of regulatory legislation to conserve the public welfare. The continuance of an unregulated industrial home-work system in this Island runs counter to that program, since it is always accompanied by excessively low wages, long and irregular hours, and unsanitary dwellings or dwellings otherwise inadequate for work. Employment of young children in industrial home-work occupations is frequent, but effective supervision of this child-labor evil has not been attainable under the present status. The preservation of this system, moreover, endangers the protection of the workers in industrial factories.

After careful study and investigation, the Legislature is convinced that home-work must be strictly controlled in the interest of the wage-earners of this Island and of industry.

SEC. 2. Short title.—This act shall be known and shall be cited as the "Industrial Homework Law."

SEC. 3. Definitions.—The following words, terms, and phrases, when used in this act, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

(a) **Subcontractor.**—Any person who, for the account or benefit of an employer, representative contractor, or other person delivers to a home worker or any other person not engaged by such employer, representative contractor, or other person, articles or materials to be manufactured in a home and thereafter to be returned to said person or otherwise disposed of in accordance with his direction;

(b) **Department.**—The Department of Labor of Puerto Rico;

(c) **Employer.**—Any natural or artificial person who, for his own account or benefit, directly or indirectly, or through an employee, agent, independent subcontractor, and/or any other person—

(1) Delivers, or causes to be delivered, to another person, any articles or materials to be manufactured in a home and thereafter to be returned to said person (not for the personal use of himself or of a member of his family), or thereafter to be disposed of or distributed in accordance with his directions; or

(2) Sells to another person any materials or articles for the purpose of having such articles or materials manufactured in a home and then rebuying such materials or articles after such manufacture, either by himself or by someone designated by him;

(d) **Home.**—Any room, house, apartment, or other premises, which is chiefly used, in whole or in part, as a dwelling place, and including outbuildings on premises that are primarily used as a dwelling place where such outbuildings are under the control of the person dwelling on such premises;

(e) **Home worker.**—Any person engaged in manufacturing in a home, articles or materials for an employer, a representative contractor, or a subcontractor;

(f) **Industrial home work.**—Any manufacturer in a home of articles or materials for an employer, a representative contractor, or a subcontractor;

(g) **Manufacture.**—To prepare, alter, repair, finish, or process, in whole or in part, or handle in any way connected with the production, wrapping, packaging, or preparation for display of an article or material;

(h) **Person.**—An individual, partnership, firm, association, domestic or foreign corporation, all kinds of cooperative associations, *de jure* or *de facto*, whatever their ends or purposes, the legal representatives of a deceased individual, or the receiver, trustee, or successor of an individual, partnership, association, or corporation, or of said cooperatives;

(i) **Representative contractor.**—Any person who receives from an employer or contractor residing outside this Island, articles or materials to be distributed by him to any home worker or other person not engaged by such employer or contractor, to be manufactured in a home and thereafter to be returned, or otherwise disposed of in accordance with his directions.

The singular shall include the plural, and the masculine shall include the feminine and neuter.

Sec. 4. Prohibited home work.—It shall be unlawful to manufacture in a home, for an employer, subcontractor, or representative contractor, any of the following articles or to perform in a home, for such persons, any of the following work, and no permit issued under this act shall be deemed to authorize such manufacture or the performance of any such work:

(a) Articles of food or drink;

(b) Articles intended for use in connection with the serving of foods or drinks;

(c) Sanitary goods, cigar holders, cigarette cases, pipes for smoking, or other articles for the use of smokers; tobacco handling or stripping;

(d) Powder puffs, cosmetics, or articles intended to be used for the application of cosmetics;

(e) Explosives, fireworks, or articles of like character shall not be manufactured in a home, for an employer, a representative contractor, or a subcontractor;

(f) Drugs and poisons;

(g) Tobacco, cigarettes, or cigars;

(h) The tearing or sewing of rags; *Provided*, That the work with "rags" shall not be deemed to apply to new remnants, clippings, or salvages which are the byproducts of manufacturing processes;

(i) Articles the processing of which requires exposure to substances determined by the department to be hazardous to the health or safety of persons exposed thereto.

Sec. 5. Power to correct deficiencies and to prohibit certain conditions.—(a) The department shall have the power, on its own initiative, to make an investigation of that portion, branch, or dependency of any industry which employs home workers, in order to determine:

(1) Whether the conditions of employment are injurious to the health and welfare of home workers in such portion or dependency; or

(2) Whether the wages and conditions of employment prevailing in such portion, branch, or dependency have the effect of rendering unduly difficult the maintenance of existing labor standards, or the observance and enforcement of labor standards established by law or by regulation for the industry of which such portion, branch, or dependency is a part, thus jeopardizing wages or working conditions of the factory workers in such industry;

(b) If, on the basis of information in its possession, and upon an investigation as provided in this section, the department shall find that industrial home work cannot be continued within any industry, branch, or dependency thereof, without injuring the health and welfare of the home workers within that industry, or without rendering unduly difficult the maintenance of existing labor standards or the observance and enforcement of labor standards established by law for the protection of the factory workers in that industry, the department shall, by order, require all employers, representative contractors, or subcontractors in such industry to correct within a reasonable period the deficiencies found, or to discontinue the furnishing within this Island, of articles or materials for industrial home work; and no permit issued under this act shall be deemed thereafter to authorize the furnishing of articles or materials for industrial home work prohibited by such order, until such deficiencies have been corrected;

(c) All power machines permitted by law, used in the conduct of industrial home work shall be guarded in accordance with the laws and regulations of the Department of Labor.

SEC. 6. Procedure.—(a) Before making such order, the department shall hold a public hearing or hearings at which an opportunity to be heard shall be afforded to any employer or representative of employers, and to any home worker or representative of home workers, and to any other person or persons having an interest in the subject matter of the hearing. A public notice of such hearing shall be given in such manner as may be fixed by the department. Such notice shall be given at least thirty (30) days before the hearing is held. Such hearing or hearings shall be held in such place or places as the department deems most convenient to employers and home workers affected by the order to which this Act refers;

(b) The department shall determine the effective date of such order, and such order shall not take effect until at least one hundred and twenty days after the date of the promulgation thereof. The order shall specify clearly and concisely the deficiencies found or the condition required to be corrected; shall state the changes, alterations, or measures that the department directs to be carried out; the term within which the situation found shall be corrected, and any other suggestion considered pertinent to insure the effectiveness of such measures. If the order be of a prohibitive character, it shall, after granting the employer ample opportunity to make the changes and improvements required, set forth the type or types of manufacturing which are prohibited after its effective date.

(c) The findings or orders made by the Department of Labor requiring employers to make any changes in the conditions of industrial home work, or prohibiting the furnishing of articles or materials for industrial homework within this Island by any employer or contractor, as provided hereunder, may be reviewed through a writ of certiorari in all cases where questions of law are involved, by the district court of the district where the aggrieved party resides, in the following manner: The aggrieved party may file with the district court at any time within thirty (30) days after service of any finding or order made by the Department of Labor, a petition for the review by said district court of the decision or order made by the Department of Labor in connection with changes in the conditions of industrial homework or the prohibition made, setting forth the reasons for requesting such review, and the Commissioner of Labor shall be required to appear through his attorney to answer said petition within the term of ten (10) days. The court shall give preference to these cases over all other cases included in its calendar and shall make a final finding thereon in accordance with the rules that such court may have prescribed.

SEC. 7. Permit required by employers and representative contractors.—(a) Every employer and every representative contractor within this Island shall procure from the department an employer's permit. Application for such permit shall be made on a form prescribed by the department. Such permit shall be in writing, dated when issued, and signed by the Commissioner of Labor or by his duly authorized representative. It shall give the name and address of the person to whom it is issued and shall designate and limit the acts that are permitted. Such permit shall be valid for a period of one year from the date of its issuance, unless sooner revoked for just cause.

(b) No permit shall be issued to any person, or to the successor or successors of any person whose permit has been revoked by the department, until after the two years following such revocation.

(c) Any employer, or a representative contractor, who delivers to another person any articles or materials for manufacture by industrial home work without having in his possession a valid employer's permit from the department, shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not more than one thousand (1,000) dollars or to undergo imprisonment for not more than six (6) months, or both, in the discretion of the court.

SEC. 8. Injunction against continued violations.—Whenever any employer or representative contractor has twice been found guilty of conducting his business without an employer's permit, the department may apply to the district court of the district in which such employer or representative contractor has a place of business, for an injunction, and such court shall, upon such application, issue an injunction to restrain such employer or representative contractor from further violating the provisions of this act.

SEC. 9. Permit required by subcontractors.—(a) Every subcontractor must procure from the department a subcontractor's permit. Application for such permit shall be made on a form prescribed by the department. Such permit shall be in writing and signed by the Commissioner of Labor or by his duly authorized representative. It shall also contain the name and address of the person to whom it is issued, and shall designate and limit the acts that are permitted. Such permit shall be valid for a period of one year from the date of its issuance, unless sooner revoked for just cause.

(b) No such permit shall be issued to any person who, or whose predecessor in interest, held an employer's permit which, within the two years prior to the application for a subcontractor's permit, was revoked by the department.

(c) Any subcontractor who delivers or causes to be delivered to another person, any articles or materials for manufacture by industrial homework without having in his possession a valid subcontractor's permit, shall be guilty of a misdemeanor, and shall be sentenced to pay a fine of not more than one thousand (1,000) dollars or to undergo imprisonment for not more than six (6) months, or both, in the discretion of the court.

SEC. 10. Fees.—(a) A fee of twenty-five (25) dollars shall be paid to the department for the original issuance of an employer's permit.

(b) For each annual renewal of such permit, the employer or representative contractor shall pay to the department a fee of ten (10) dollars.

SEC. 11. Records to be kept.—No person having an employer's or a subcontractor's permit shall deliver, or cause to be delivered or received, any articles or materials for or as a result of industrial home work, unless such employer or subcontractor keeps and maintains a register and forwards same to the department at the intervals the said department may by regulation prescribe, and on the

blanks it may provide, the said register containing a complete and accurate record of all persons engaged in industrial home work on articles or materials furnished or distributed by said employer or subcontractor; of all places where such persons work; of all articles or materials furnished and distributed to such persons, and containing, further, such description as the department may require of all articles or goods which such persons have manufactured; of the net cash wages received by each home worker; and of all subcontractors to whom he has furnished articles or materials to be manufactured for him in any home.

SEC. 12. Conditions of manufacture.—Industrial home work on articles or materials manufactured for any person to whom an employer's permit has been issued shall be performed:

- (a) Only by a person possessing a valid home-worker's certificate.
- (b) Only by persons over the age of sixteen (16) years.
- (c) Only by persons resident in the home in which the work is done.

(d) Only during such hours as may be fixed by law or regulation as permissible hours of labor in factories by persons of the same age and sex as the home worker; and

(e) Only in a home that is clean and sanitary and free from any infectious, contagious, or communicable disease.

SEC. 13. Labels required.—No employer, or representative contractor, shall deliver, or cause to be delivered, any articles or materials to be manufactured by any home worker, unless he has conspicuously affixed to each article or material a label, or other mark of identification, bearing the employer's or representative contractor's name and address, said label or mark to be printed or written legibly in Spanish; but if the articles or materials are of such a nature that they cannot be individually labeled or identified, then the employer or representative contractor shall conspicuously label, in like manner, the package, wrapper, or other container in which such articles or materials are delivered, or are to be kept while in the possession of the home worker.

SEC. 14. Unlawful manufacture of articles.—Any articles, or materials which are being manufactured in a home, in violation of any provision of this act, shall be seized and removed by any agent of the department, and shall be retained by him until claimed by the employer or representative contractor. The department shall give notice of such removal to the person whose name and address are affixed to the article, as provided by section thirteen. Unless the article so removed is claimed within the thirty days following the date it is seized, it shall be destroyed or otherwise disposed of.

SEC. 15. Delivery to subcontractors.—No employer, or representative contractor shall deliver or cause to be delivered any material or articles to a subcontractor who is not in possession of a valid subcontractor's permit: *Provided*, That no subcontractor shall distribute through another subcontractor, agent or commission merchant or any other person, the work subcontracted for by him with an employer or representative contractor; and neither shall he pay to workers employed by him a sum less than that assigned by the employer or representative contractor for the work to be done.

SEC. 16. Violations.—(a) If the department has reason to believe that a person having an employer's or subcontractor's permit is not observing the provisions of this act, or of any regulation or order authorized by it to be issued by the department, or the conditions of such permit, the department may, with ten days' notice, summon such person to appear before it to show cause why the department should not find that he has failed to observe such provisions and conditions.

(b) If, after such hearing, the department finds as a fact that such person has failed to comply with the provisions of this act, of his permit, or of a regulation or order issued under authority of this act, the department may—

(1) Revoke the permit of such person, the order of revocation to be effective on a date fixed by the department which shall not be more than thirty days after the date of its issuance; *Provided*, That an appeal may be taken from the decision of the department to the corresponding district court in the same manner established for appeals from judgments of municipal courts in civil cases.

(2) The order shall be published in a newspaper having the greatest circulation in this Island, or in such other manner as the department may deem appropriate, and it shall state the name of the person who has failed to comply, in the respects stated, with the standards established under authority of this act. Such publication shall further contain an identification of the firm as well as of the products manufactured or sold by such persons. Neither the department nor any authorized representative of the department, nor any newspaper publisher, proprietor, editor, or employee thereof, shall be liable in an action for damages for publishing the name of any person as provided for in this act, unless guilty of some wilful misrepresentation.

SEC. 17. Inspection authorized and other officials to serve.—In the performance of the duties and powers conferred upon the Commissioner of Labor by this act, he or his authorized representative are hereby authorized to enter the place of business of the employer for the purpose of inspecting the pay roll of said employer, or other records or documents relative to the enforcement of this act; and the Commissioner of Labor or his authorized representative is hereby authorized to summon witnesses, to administer oaths, and to take testimony; and, in compliance with these provisions, he may issue subpoenas and compel the presentation of evidence, documentary or otherwise, and he may also use, in connection with his duties, as entrusted to him by this act, the services of justices of the peace, of municipal judges, of district attorneys, of marshals of the municipal and district courts, and of the police force.

SEC. 18. Agreements to contributions by employees void.—No agreement by a home worker whereby he binds himself to pay any portion of a payment required of any person by any provision of this act shall be valid; and it is hereby declared that no person shall make a deduction for such purpose from the wages or salary of the home worker.

SEC. 19. Filing and inspection of records: Reports and returns.—Records, reports, applications, and returns required to be made by this act shall be kept on file by the Department of Labor, and shall be open to examination and inspection, said examination and inspection to be subject to the regulations the department may prescribe. They may be used as evidence in any proceeding under this act, but shall not otherwise become matter of public record.

SEC. 20. Fees of witnesses.—Any witness who appears in obedience to a subpoena issued by the department shall be entitled to such witness fees as the department shall allow, payable from appropriations made for the said department for such purposes.

SEC. 21. Penalties.—In addition to any other penalties prescribed in this act—

(a) Any person who wilfully makes a false statement or representation knowing it to be false, in order to lower the amount of fees due from him under this act; or

(b) Any person who makes a deduction from the wages or salary of any home worker to pay therewith any portion of a payment which such person is required by this act to make; or

(c) Any person who refuses to allow the Commissioner of Labor, or his authorized representative, to enter his place of business for the purposes of inspecting his pay roll, or other records or documents relative to the enforcement of this act, or who refuses to permit the Commissioner of Labor, or his authorized representative, to copy such record or documents, shall be guilty of a misdemeanor, and shall be sentenced to pay a fine not exceeding one thousand (1,000) dollars or to undergo imprisonment for a term of six (6) months, or both, in the discretion of the court.

SEC. 22. Rules and regulations.—The rules and regulations necessary to carry out the provisions of this act shall be made by the department. Such rules and regulations shall have the force of law when duly approved by the Governor and promulgated. The department shall have the power, and it shall be its duty, to enforce all the provisions of this act.

SEC. 23. Payment to the Insular Treasury.—All fees and other moneys derived from the enforcement and operation of this act shall be paid to and covered into the Insular Treasury through the proper channels, and credited to general funds.

SEC. 24. Constitutional construction.—The provisions of this act are severable, and if any of its provisions is held to be unconstitutional or inapplicable to any person or circumstances, the decision of the court shall not affect or impair any of the remaining provisions of this act. It is hereby declared to be the legislative intent that this act would have been passed had such provisions so declared unconstitutional or inapplicable not been included herein.

SEC. 25. Repeal of existing law.—All laws or parts of laws in conflict herewith are hereby repealed.

SEC. 26. With the exception of section 11, which shall take effect July 1, 1940, this act shall take effect ninety days after its approval.

Approved, May 15, 1939.

UNITED STATES

U. S. DEPARTMENT OF LABOR, WAGE AND HOUR DIVISION

Title 29.—LABOR

Chapter V.—WAGE AND HOUR DIVISION

Part 516.—Regulations on Records to be Kept by Employers Pursuant to Section 11 (c) of the Fair Labor Standards Act of 1938

* * * * *

SECTION 516.90. Regulations on records to be kept by employers of industrial home workers, pursuant to Section 11 (c) of the Fair Labor Standards Act.—Every employer subject to any provisions of the Fair Labor Standards Act or any order issued under this Act who directly or indirectly distributes work to be performed by an industrial home worker shall be relieved of the provisions for record-keeping contained in Section 516.1, 516.2, 516.3, and 516.4 (b) of these Regulations with respect to such industrial home worker and shall, in lieu of such requirements, make and preserve, records containing the following information with respect to each such industrial home worker engaged on work distributed directly by such employer or indirectly in his interest:

- (a) Name in full.
- (b) Home address.
- (c) Date of birth if under 19.
- (d) With respect to each lot of work issued:
 - (1) Date and hour on which work is given out to worker, and amount of such work given.
 - (2) Date and hour on which work is returned by worker, and amount of such work returned.
- (3) Kind of articles worked on and operations performed.
- (4) Piece rates paid.
- (5) Hours worked on each lot of work returned.
- (6) Wages paid for each lot of work returned.
- (7) Deductions for Social Security Taxes.
- (8) Date of payment.
- (e) With respect to each week:
 - (1) Hours worked each week.
 - (2) Wages earned each week at regular piece rates.
 - (3) Extra pay each week for overtime.
 - (4) Total wages earned each week.
 - (5) Deductions for Social Security Taxes.
- (f) Name and address of each agent, distributor, or contractor through whom home work is distributed.

In addition to the keeping of the above records, a separate handbook (to be obtained by the employer from the Wage and Hour Division and supplied by him to each worker) shall be kept for each industrial home worker, and the information required therein shall be entered by the employer or the person distributing home work on behalf of such employer each time work is given out to or received from an industrial home worker.

Except for the time necessary for the making of entries by the employer, the handbook must remain in the possession of the indus-

trial home worker until such time as the Wage and Hour Division may request it.

A separate record and a separate handbook must be kept for each individual performing work in or about a home on any lot or amount of home work distributed.

For the purpose of this section, the term "Industrial Home Worker" means any person producing in or about a home, for an employer, goods from materials furnished directly by or indirectly for such employer.

This section shall be in force and effect for a six-month period beginning April 1, 1939, unless repealed or modified prior to that date.¹

¹ Issued under the authority contained in Section 11 (c), 52 Stat. 1060. Signed February 16, 1939; revised March 11, 1939, to postpone effective date from March 15 to April 1, 1939.

APPENDIX

SUGGESTED LANGUAGE FOR A STATE BILL TO REGULATE AND TAX INDUSTRIAL HOME WORK

ENDORSED BY

International Association of Governmental Labor Officials, Topeka,
Kans., September 24-26, 1936

AND

Third National Conference on Labor Legislation, Washington, D. C.,
November 9-11, 1936

CONTENTS

Section

1. Legislative purpose.
2. Short title.
3. Definitions.
4. Prohibited home work.
5. Power to prohibit.
6. Procedure.
7. Permit required.
8. Injunction against continued violations.
9. Fees.
10. Contractor's permit.
11. Home-worker's certificate.
12. Records to be kept.
13. Conditions of manufacture.
14. Labels required.
15. Unlawfully manufactured articles.
16. Delivery to contractors.
17. Violations.
18. Home-work tax.

Section

19. Nonpayment of tax.
20. Penalties for failure to file correct return or to pay tax.
21. Certificate of tax commission as prima facie evidence.
22. Agreements to contributions by employees void.
23. Filing and inspection of records and returns.
24. Oaths and affidavits.
25. Hearings and subpoenas.
26. Fees of witnesses.
27. Penalties.
28. Rules and regulations.
29. Construction.
30. Payment into State treasury.
31. Appropriations.
32. Repeal of existing laws.
33. Time of taking effect.

The people of the State of ———, represented in Senate and Assembly, do enact as follows:

SECTION 1. Legislative purpose.—This State has long recognized that employment of men, women, and children under conditions detrimental to their health and general welfare results in injury not only to the workers immediately affected but also to the public interest as a whole. This recognition has produced a broad program of regulatory legislation to conserve the public welfare. The continuance of an unregulated industrial home-work system in this State runs counter to that program, since it is usually accompanied by excessively low wages, long and irregular hours, and unsanitary or otherwise inadequate working quarters. Employment of young children in industrial home-work occupations is frequent, but effective supervision of this child labor evil has not been attainable under present statutes. The dangerous consequences of this system may fall upon the consumer of its products, as well as upon the men and women who are its work

force. The preservation of the system, moreover, endangers the protection of the workers in factory industries, which, being forced to compete with industrial home work, are under pressure to relax the established safeguards of life, health, and the public welfare. After study of experience and reported investigations, the legislature is convinced that industrial home work must eventually be abolished and that, during a period of adjustment, it must be strictly controlled in the interest of the wage earners of this State and of the public at large. This act is the product of that conviction.

SEC. 2. Short title.—This act shall be known and may be cited as the "industrial home-work law."

SEC. 3. Definitions.—Whenever used in this act:

1. "To manufacture" includes to prepare, alter, repair, finish, or process in whole or in part, or handle in any way connected with the production, wrapping, packaging, or preparation for display of an article or materials.

2. "Person" means an individual, partnership, firm, association, domestic or foreign corporation, the legal representatives of a deceased individual, or the receiver, trustee, or successor of an individual, firm, partnership, association, or domestic or foreign corporation.

3. "Employer" means any person who, for his own account or benefit, directly or indirectly or through an employee, agent, independent contractor, or any other person,

(a) Delivers or causes to be delivered to another person any materials or articles to be manufactured in a home, and thereafter to be returned to him, not for the personal use of himself or of a member of his family, or thereafter to be disposed of otherwise in accordance with his directions; or

(b) Sells to another person any materials or articles for the purpose of having such materials or articles manufactured in a home and of then rebuying such materials or articles, after such manufacture, either by himself or by someone designated by him.

4. "Contractor" means any person who, for the account or benefit of an employer, representative contractor, or other person, distributes to a home worker or any other person not recruited or engaged by such employer, representative contractor, or other person materials or articles to be manufactured in a home and thereafter to be returned to him or otherwise disposed of in accordance with his directions.

5. "Representative contractor" means any person who receives from an employer or contractor not within the State materials or articles to be distributed by him to any home worker or other person not recruited or engaged by such employer or contractor to be manufactured in a home and thereafter to be returned to him or otherwise disposed of in accordance with his directions.

6. "Home" means any room, house, apartment, or other premises, whichever is most extensive, used in whole or in part as a place of dwelling; and includes outbuildings upon premises that are primarily used as a place of dwelling, where such outbuildings are under the control of the persons dwelling on such premises.

7. "Industrial home work" means any manufacture in a home of materials or articles for an employer, a representative contractor, or a contractor.

8. "Home worker" means any person engaged in manufacturing in a home materials or articles for an employer, a representative contractor, or a contractor.

9. "Commissioner" means the industrial commissioner.

10. "Director" means the director or any deputy director of the division in the department of labor which is charged by the commissioner with the immediate responsibility of enforcing this act.

SEC. 4. Prohibited home work.—It shall be unlawful to manufacture in a home, for an employer, contractor, or representative contractor,

any of the following articles, and no permit issued under this act shall be deemed to authorize such manufacture:

1. Articles of food or drink;
2. Articles for use in connection with the serving of food or drink;
3. Articles of wearing apparel for use of infants or children ten years of age or under;
4. Toys and dolls;
5. Tobacco;
6. Drugs and poisons;
7. Bandages and other sanitary goods;
8. Explosives, fireworks, and articles of like character;
9. Articles the processing of which requires exposure to substances determined by the commissioner to be hazardous to the health or safety of persons so exposed.

SEC. 5. Power to prohibit.—1. The commissioner shall have the power upon his own initiative, and it shall be his duty upon receipt of a petition of fifty or more residents of this State, to cause the director to make an investigation of that portion or branch of any industry which employs home workers, in order to determine:

(a) Whether the wages and conditions of employment are injurious to the health and welfare of home workers in such portion or branch; or

(b) Whether the wages and conditions of employment prevailing in such portion or branch have the effect of rendering unduly difficult the maintenance of existing labor standards or the observance and enforcement of labor standards established by law or regulation for the industry of which such portion or branch is a part, thus jeopardizing wages or working conditions of the factory workers in such industry.

2. If, on the basis of information in his possession, with or without an investigation as provided in this section, the commissioner shall find that industrial home work cannot be continued within any industry without injuring the health and welfare of the home workers within that industry, or without rendering unduly difficult the maintenance of existing labor standards or the observance and enforcement of labor standards established by law for the protection of the factory workers in that industry, the commissioner shall by order require all employers, representative contractors, or contractors, in such industry to discontinue the furnishing within this State of material for industrial home work, except as may be otherwise provided in such order pursuant to the provisions of section 6 of this act, and no permit issued under this act shall be deemed thereafter to authorize the furnishing of materials for industrial home work prohibited by such order.

SEC. 6. Procedure.—1. Before making such order the commissioner shall hold a public hearing or hearings at which an opportunity to be heard shall be afforded to any employer, or representative of employers, and any home worker, or representative of home workers, and any other person or persons having an interest in the subject matter of hearing. A public notice of such hearing shall be given in such manner as may be fixed by the commissioner. Such notice shall be made at least thirty days before the hearing is held. Such hearing or hearings shall be in such place or places as the commissioner deems most convenient to the employers and home workers to be affected by such order.

2. The commissioner shall determine the effective date of such order, which date shall be not less than ninety days after the date of its promulgation. The order shall set forth the type or types of manufacturing which are prohibited after its effective date, and shall contain such terms and conditions as the commissioner may deem necessary to carry out the purpose and intent of this act and to safeguard its provisions. If the commissioner finds that as a result of a prohibitory order undue hardship will ensue to home workers in the

industry who because of advanced age or other disability are unable to adjust to factory employment, such order, if the commissioner determines that it is not inconsistent with the purposes of this act, may permit limited distribution of industrial home work, under such terms and conditions as the commissioner may prescribe, to any person engaged in the industry as a home worker on or prior to the effective date of such order (1) who because of old age or physical or mental disability or injury is unable to adjust himself to factory employment; or (2) who is unable to leave home because his services are essential to care for an invalid in the home.

Sec. 7. Permit required.—1. Every employer and every representative contractor within this State must procure from the commissioner an employer's permit. Application for such permit shall be made on a form prescribed by the commissioner. Such permit shall be in writing, dated when issued, and signed by the commissioner or the director. It shall give the name and address of the person to whom it is issued and shall designate and limit the acts that are permitted. Such permit shall be valid for a period of one year from the date of its issuance, unless sooner revoked.

2. No such permit shall be issued to any person, or to the successor in interest of any person, whose employer's permit has been revoked by the commissioner within two years prior to the last application for such a permit.

3. An employer or a representative contractor who delivers or causes to be delivered to another person any materials for manufacture by industrial home work, without having in his possession a valid employer's permit from the commissioner, shall be guilty of a misdemeanor punishable by a fine of \$1,000.

Sec. 8. Injunction against continued violations.—Whenever any employer or representative contractor has twice been found guilty of conducting his business without an employer's permit, the commissioner may apply to the ——— court of any county in which such employer or representative contractor has a place of business for an injunction, and such court shall upon such application issue an injunction, to restrain such employer or representative contractor from further violating the provisions of this act.

Sec. 9. Fees.—1. A fee of \$50 shall be paid to the commissioner for the original issuance of an employer's permit.

2. For each annual renewal of such permit the employer or representative contractor shall pay to the commissioner a fee of—

(a) fifty dollars, where at no time during the preceding calendar year did the employer or representative contractor directly or indirectly have business relations simultaneously with more than one hundred home workers;

(b) one hundred dollars, where at any time during the preceding calendar year the employer or representative contractor directly or indirectly had business relations simultaneously with more than one hundred but less than three hundred home workers;

(c) two hundred dollars, where at any time during the preceding calendar year the employer or representative contractor directly or indirectly had business relations simultaneously with three hundred or more home workers.

Sec. 10. Contractor's permit.—1. Every contractor must procure from the commissioner a written contractor's permit. Application for such permit shall be made on a form prescribed by the commissioner. Such permit shall be valid for one year from the date of its issuance, and shall be issued by the commissioner to an applicant upon payment by such applicant of a fee of twenty-five dollars.

2. But no such permit shall issue to any person who or whose predecessor in interest held an employer's permit which, within two

years prior to the application for a contractor's permit, was revoked by the commissioner.

SEC. 11. Home-worker's certificate.—1. Every person desiring to engage in industrial home work within this State must procure from the commissioner a home-worker's certificate which shall be issued without cost and which shall be valid for a period of one year from the date of its issuance, unless sooner revoked or suspended. Application for such certificate shall be made in such form as the commissioner may by regulation prescribe. Such certificate shall be valid only for work performed by the applicant himself in his own home and in accordance with the provisions of this act.

2. No home-worker's certificate shall be issued—

(a) To any person under the age of 16 years; or

(b) To any person suffering from an infectious, contagious, or communicable disease or living in a home that is not clean, sanitary, and free from infectious, contagious, or communicable disease.

3. The commissioner may revoke or suspend any home-worker's certificate if he finds that the holder is performing industrial home work contrary to the conditions under which the certificate was issued or to any provision of this act or has permitted any person not holding a valid home-worker's certificate to assist him in performing his industrial home work.

SEC. 12. Records to be kept.—No person having an employer's or a contractor's permit shall deliver or cause to be delivered or received any articles for or as a result of industrial home work unless he shall keep in such form and forward to the commissioner, at such intervals as he may by regulation prescribe and on such blanks as he may provide, a complete and accurate record of all persons engaged in industrial home work on materials furnished or distributed by him, of all places where such persons work, of all materials furnished and distributed to such persons described as the commissioner may require, of all goods which such persons have manufactured, of the net cash wages received by each home worker, and of all contractors to whom he has furnished materials to be manufactured for him in any home.

SEC. 13. Conditions of manufacture.—Industrial home work on articles manufactured for any person to whom an employer's permit has been issued shall be performed—

1. Only by a person possessing a valid home worker's certificate;

2. Only by persons 16 years of age or over;

3. Only by persons resident in the home in which the work is done;

4. Only during such hours as may be fixed by law or regulation as permissible hours of labor in factories by persons of the same age and sex as the home worker; and

5. Only in a home that is clean and sanitary and free from any infectious, contagious, or communicable disease.

Upon the issuance of an employer's permit to an employer or representative contractor, such employer or representative contractor shall be deemed to have accepted responsibility for the observance of the conditions of manufacture specified by this section; and each of such conditions shall be deemed to be a condition of the employer's permit to the same extent as though it were expressly set forth therein.

SEC. 14. Labels required.—No employer or representative contractor or contractor shall deliver or cause to be delivered any materials or articles to be manufactured by any home worker unless there has been conspicuously affixed to each article a label or other mark of identification bearing the employer's or representative contractor's name and address, printed or written legibly in English. But if the goods are of such a nature that they cannot be individually so labeled or identified, then the employer or representative contractor shall conspicuously label in like manner the package or other container in which such goods

are delivered or are to be kept while in the possession of the home worker.

SEC. 15. Unlawfully manufactured articles.—Any article which is being manufactured in a home in violation of any provision of this act may be removed by the commissioner and may be retained by him until claimed by the employer. The commissioner shall by registered mail give notice of such removal to the person whose name and address are affixed to the article as provided by section 14. Unless the article so removed is claimed within thirty days thereafter, it may be destroyed or otherwise disposed of.

SEC. 16. Delivery to contractors.—No employer or representative contractor shall deliver or cause to be delivered any materials or articles to a contractor who is not in possession of a valid contractor's permit.

SEC. 17. Violations.—1. If the commissioner has reason to believe that a person having an employer's permit is not observing the provisions of this act or of a regulation or order authorized by it to be issued by the commissioner or the conditions of his employer's permit, the commissioner may, on ten days' notice, summon such person to appear before the commissioner to show cause why the commissioner should not find that he has failed to observe such provisions or conditions.

2. If, after such hearing, the commissioner finds as a fact that such person has failed to observe or comply with a provision of this act, his permit, or a regulation or order issued by the commissioner under authority of this act, the commissioner may—

(a) Revoke the permit of such person, his order of revocation to be effective on a date fixed by the commissioner not more than thirty days after the date of its issuance;

(b) Cause to be published in a newspaper or newspapers circulating within this State, or in such other manner as the commissioner may deem appropriate, the name of such person as having failed in the respects stated to maintain the standards established under authority of this act. Such publication may contain an identification, by trade name or otherwise, of the products manufactured or sold by such person. Neither the commissioner nor any authorized representative of the commissioner, nor any newspaper publisher, proprietor, editor, nor employee thereof shall be liable to an action for damages for publishing the name of any person as provided for in this act, unless guilty of some wilful misrepresentation.

SEC. 18. Home-work tax.—1. Each employer and each representative contractor shall be required to pay quarterly (on January 15, April 15, July 15, and October 15 of each year) an excise tax of two dollars and fifty cents for each home worker to whom materials have been sent or delivered by such employer or representative contractor during the preceding quarter.

2. The tax commission is hereby charged with the enforcement of this section.

3. Each employer and each representative contractor shall file quarterly with the tax commission, on a form to be prescribed by it, a return showing the number of home workers to whom material has been sent or delivered by him during the preceding quarter, together with such other information as the commission may require. At the time of filing this return, the employer or representative contractor shall pay to the commission the tax imposed above.

4. If a return as required by this section is not filed within thirty days after it is due, or if, when filed, a return is incorrect or insufficient and the maker fails to file a corrected or sufficient return, within thirty days after the same is required by notice from the tax commission, such commission shall determine the amount of the tax due from such information as it may be able to obtain. The tax commission shall give notice of such determination to the person liable for the tax.

Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed shall within thirty days after the giving of notice of such determination apply to the tax commission for a hearing or unless the tax commission of its own motion shall reduce the same. At such hearing evidence may be offered to support such determination or to prove that it is incorrect. After such hearing the tax commission shall give notice of its decision to the person liable for the tax. The decision of the tax commission may be reviewed by certiorari if application is made therefor within thirty days after the giving of notice thereof. Whenever under this act an order of certiorari is permitted it shall not be granted unless the amount of any tax sought to be reviewed, with penalties thereon, if any, shall be first deposited with the tax commission and an undertaking filed with the tax commission, in such amount and with such sureties as a judge of the ----- court shall approve, to the effect that if such order be dismissed or the tax confirmed the applicant for the writ will pay all costs and charges which may accrue in the prosecution of the certiorari proceeding, or, at the option of the applicant, such undertaking may be in a sum sufficient to cover the tax, penalties, costs, and charges aforesaid, in which event the applicant shall not be required to pay such tax and penalties as a condition precedent to the granting of such order.

SEC. 19. Nonpayment of tax.—1. Whenever any person shall fail to pay any tax or penalty imposed by this act, the attorney-general shall, upon the request of the tax commission, bring an action to enforce payment of the same. The proceeds of a judgment obtained in such action shall be paid to the tax commission.

2. As an additional or alternate remedy, the tax commission may issue a warrant under its official seal, directed to the sheriff of any county, commanding him to levy upon and sell the real and personal property of the person from whom the tax is due, which may be found within his county, for the payment of the amount thereof, with any penalties, and the cost of executing the warrant, and to return such warrant to the tax commission and to pay to it the money collected by virtue thereof within sixty days after the receipt of such warrant. The sheriff shall within five days after the receipt of the warrant file with the clerk of his county a copy thereof, and thereupon such clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax and penalties for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the title to an interest in real property and chattels real of the person against whom the warrant is issued in the same manner as a judgment duly docketed in the office of such clerk. The sheriff shall then proceed upon the warrant in the same manner, and with like effect, as that provided by law in respect to executions issued against property upon judgments of a court of record, and for his services in executing the warrant he shall be entitled to the same fees, which he may collect in the same manner. In the discretion of the tax commission a warrant of like terms, force, and effect may be issued and directed to any officer or employee of the department of taxation and finance, and in the execution thereof such officer or employee shall have all the powers conferred by law upon sheriffs, but he shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant be returned not satisfied in full, the tax commission shall have the same remedies to enforce the claim for taxes as if the people of the State had recovered judgment for the amount of the tax.

3. No statute limiting the time for the enforcement of a civil remedy shall be deemed applicable to any proceeding or action taken to levy, appraise, assess, determine, or enforce the collection of any tax or penalty provided by this act.

SEC. 20. Penalties for failure to file correct return or to pay tax.—Any person failing to file a return or corrected return or to pay any tax within the time required by this act shall be subject to a penalty of five per centum of the amount of tax due, plus one per centum of such tax for each month of delay or fraction thereof, excepting the first month after such return was required to be filed or such tax became due; but the tax commission, if satisfied that the delay was excusable, may remit all or any part of such penalty. Unpaid penalties may be enforced in the same manner as the tax imposed by this act.

SEC. 21. Certificate of tax commission as prima facie evidence.—The certificate of the tax commission to the effect that a tax has not been paid, that a return has not been filed, or that information has not been supplied pursuant to the provisions of this act shall be prima facie evidence thereof.

SEC. 22. Agreements to contributions by employees void.—No agreement by a home worker to pay any portion of a payment required of any other person by any provision of this act shall be valid, and no person shall make a deduction for such purpose from the wages or salary of any home worker.

SEC. 23. Filing and inspection of records and returns.—Records, reports, applications, and returns required to be made by this act shall be kept on file by the commissioner and the tax commission, respectively, and shall be open to examination and inspection by either, and, subject to their regulation, by any person authorized by them. They may be used as evidence in any proceeding under this act, but shall not otherwise become matters of public record.

SEC. 24. Oaths and affidavits.—The commissioner, the director, and any other officer or employee of the department of labor, if duly authorized by the commissioner, may administer oaths and take affidavits in matters relating to the provisions of this act.

SEC. 25. Hearings and subpoenas.—The commissioner and the director shall have power, in matters relating to the provisions of this act—

1. To issue subpoenas for and compel the attendance of witnesses and the production of books, contracts, papers, documents, and other evidence of whatever description;

2. To hear testimony under oath and take or cause to be taken depositions of witnesses residing within or without this State in the manner prescribed by law for like depositions in civil actions in the _____ court. Subpoenas and commissions to take testimony shall be issued under the seal of the department.

SEC. 26. Fees of witnesses.—Each witness who appears in obedience to a subpoena shall be entitled to the same fees as witnesses in a civil action in the _____ court.

SEC. 27. Penalties.—In addition to any penalties otherwise prescribed in this act—

1. Any person who willfully makes a false statement or representation in order to lower the amount of fees or taxes due from him under this act; or

2. Any person who makes a deduction from the wages or salary of any home worker to pay any portion of a payment which such person is required by this act to make; or

3. Any person who refuses to allow the commissioner or his authorized representative to enter his place of business for the purpose of inspecting his pay roll or other records or documents relative to the enforcement of this act, or who refuses to permit the commissioner to copy such records or documents—shall be guilty of a misdemeanor.

SEC. 28. Rules and regulations.—Rules and regulations necessary to carry out the provisions of this act shall be made by the commissioner. He shall have the power and it shall be his duty to enforce all the provisions of this act except as otherwise specifically provided.

SEC. 29. *Construction.*—If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 30. *Payment into State treasury.*—All fees, taxes, and other moneys derived from the operation of this act shall be paid into the State treasury to the credit of the general fund.

SEC. 31. *Appropriation.*—The sum of -----, or so much thereof as may be necessary, is hereby appropriated to pay the expenses of the department of labor, including personal service and maintenance, in carrying out the provisions of this act.

SEC. 32. *Repeal of existing laws.*—* * *

SEC. 33. *Time of taking effect.*—This act shall take effect ninety days after its adoption; except section 31, which shall take effect immediately, and except that the commissioner shall have power, immediately, to promulgate rules and regulations, appoint such officers and employees, and fix their compensation, as may be necessary to carry out the provisions of this act, and do such other things as may be necessary to set up the machinery required to enforce the provisions of this act.

THE APPRENTICE AND THE SCHOOL

UNITED STATES DEPARTMENT OF LABOR
Frances Perkins, Secretary
DIVISION OF LABOR STANDARDS
Verne A. Zimmer, Director



THE APPRENTICE AND THE SCHOOL



Bulletin No. 27

Issued by the
FEDERAL COMMITTEE ON APPRENTICESHIP
DIVISION OF LABOR STANDARDS
UNITED STATES DEPARTMENT OF LABOR

In Cooperation with the
OFFICE OF EDUCATION
UNITED STATES DEPARTMENT OF THE INTERIOR

Letter of Transmittal

UNITED STATES DEPARTMENT OF LABOR,
DIVISION OF LABOR STANDARDS,
April 3, 1939.

MADAM: I have the honor to transmit herewith a statement on apprenticeship in relation to the school prepared jointly by the Federal Committee on Apprenticeship of this Division and the United States Office of Education.

VERNE A. ZIMMER,
Director.

Hon. FRANCES PERKINS,
Secretary of Labor.

Foreword

The growing emphasis on apprenticeship as the method of training for the skilled trades has brought innumerable requests from educators for information. They ask: What is this apprenticeship program? How does it operate? What part do the schools play? Why should labor departments promote apprenticeship? Why separate the labor and educational aspects of the program?

To meet these requests, the United States Office of Education and the Federal Committee on Apprenticeship have prepared this brief statement explaining the apprenticeship program and indicating the separate and distinct responsibilities and functions of vocational education and labor departments at both the State and Federal level for carrying on the program. The need for understanding and for close cooperation between the two groups in order that the program may function effectively is clearly recognized by our respective offices, and we trust that this statement may aid in developing a harmonious working relationship in every community.

CLARA M. BEYER,

*Chairman, Federal Committee on Apprenticeship,
U. S. Department of Labor.*

J. C. WRIGHT,

*Assistant Commissioner for Vocational Education,
Office of Education, U. S. Department of the Interior.*

Definition of "Apprentice" as Approved by the Federal Committee on Apprenticeship and by the United States Office of Education

The term "apprentice" shall mean a person at least 16 years of age who is covered by a written agreement with an employer, or with an association of employers or employees acting as agent for an employer, and approved by the State Apprenticeship Council or other established authority,* which apprentice agreement provides for not less than 4,000 hours of reasonably continuous employment for such person, for his participation in an approved schedule of work experience through employment and for at least 144 hours per year of related supplemental instruction.

* In Oregon this "established authority" is the State Apprenticeship Committee; in Wisconsin, it is the Industrial Commission. In other States the only recognized authority is the State Apprenticeship Council established in the State labor department.

THE APPRENTICE AND THE SCHOOL



The Apprentice Asks for Special Instruction

Apprentices are turning to the vocational schools for special instruction, and, in general, they know what they want to get out of the school. Many are high-school graduates. They have come back to school because they need classroom instruction in subjects related to their trades. Their apprenticeship agreements require at least 144 hours a year of related school instruction.

This school requirement has been agreed upon by the interested employers' associations and labor organizations, by the Commissioner of Education and by the Secretary of Labor. It has been written into the standards endorsed by the Federal Committee on Apprenticeship.

Apprenticed to a Trade

Our modern high-powered machinery demands highly skilled craftsmen as well as semiskilled or unskilled machine tenders. Our modern houses need skilled plumbers, steamfitters, carpenters, and other building tradesmen; the manufacture of our automobiles calls for high-grade precision work. There must be skilled craftsmen in many trades—craftsmen who have learned what they can about the trade in school and who have learned the practical end of the trade by working for years in the shop as an apprentice, side by side with a journeyman or a master craftsman. They

THE APPRENTICE AND THE SCHOOL

must possess more skill than did the workers of earlier times; they must understand the new processes and new materials as well as the technical phases of their trades. The trades today are keenly aware of the need for craftsmen who have learned the trade by way of a long and thorough apprenticeship.

The Trade Behind the Apprenticeship

a. The Employers' Association and the Union.

Behind the apprentice are the employers' association and the labor organization for the trade. The employers and the unions jointly decide upon the skills and the knowledge necessary for the trade. They know what it takes to develop such skills and knowledge. They can set practical tests of the apprentice's ability to do the job. They know about how long it generally takes to acquire proficiency. So, together they lay out the plan and set up the standards for training apprentices in their trade.

b. The Joint Trade Apprenticeship Committee.

Where the local employers' association and the local union have set up a joint trade, or trades, apprenticeship committee, they invite a representative of the school system to act as consultant in order to profit from his experience. This representative can keep the school authorities informed of the activities of the local joint trade apprenticeship committee. This committee operates under the State labor department, so that the apprenticeship may conform to the accepted labor standards for the trade. The adult workers in the trade, as well as the apprentice, are concerned with the maintenance of these labor standards. The local joint trade apprenticeship committee also works with the local educational authorities, in order that

THE APPRENTICE AND THE SCHOOL

the 144 hours per year of related instruction be provided for apprentices.

In a number of States, a State Apprenticeship Council has been set up within the labor department, and the movement for establishing such councils by legislation is progressing rapidly. Only State Apprenticeship Councils which are set up in labor departments are recognized under the standards of the Federal Committee on Apprenticeship and under provisions relating to apprentices in certain important Federal labor legislation. The person responsible for trade and industry vocational education in the State is a member of the State Apprenticeship Council.

The State Apprenticeship Council coordinates the work of local or State joint trade apprenticeship committees, approves all apprenticeship agreements, adjusts questions between the employer and the apprentice, and promotes apprenticeship in the State under accepted standards.

c. Limiting Apprentices to the Trade's Demands.

The local joint trade apprenticeship committee has a good idea of the number of apprentices who can find full-time employment in the trade after they have completed their apprenticeship. It also knows about how many apprentices can be properly prepared in the different shops in the locality. With these two things in mind, the committee decides on the number of applicants who can be apprenticed at a given time. Of course this may keep out some people who would like to learn the trade; but it results in fair play to those whom the local joint apprenticeship committee does apprentice, to the skilled workers in the trade, and to the trade itself.

THE APPRENTICE AND THE SCHOOL

d. Examining the Apprentice Applicant.

When the local joint trade apprenticeship committee has decided upon the number of apprentices, an employer may take the responsibility of training one or more; or the employers' association may jointly take such responsibility. In other words, the young person is apprenticed to the employer or to the employers' association—not just apprenticed to the trade without employer responsibility. The employer decides, of course, whom he will hire; but the local joint trade apprenticeship committee passes upon the applicant for apprenticeship to see that he has the necessary qualifications.

The Apprentice's Training on the Job

a. The Written Agreement.

When the young person is apprenticed to the trade, the responsible employer, the employers' association, or the union, as the employer's agent, and the apprentice sign the written agreement. This agreement stipulates the period of apprenticeship, the probationary period, the schedule of processes to be learned on the job, the wages to be paid, the hours of work and of school instruction, the right of appeal, and any other special provisions governing the apprenticeship.

b. Term of Apprenticeship.

The term of apprenticeship as stipulated in the written agreement varies somewhat according to the needs of each trade. It generally lasts from 3 to 5 years. For plumbers' apprentices, for example, 5 years or 9,500 hours of training constitute the required minimum.

THE APPRENTICE AND THE SCHOOL

c. Probation.

Although experience and practical trade knowledge have made the local joint trade apprenticeship committee members keen in sizing up applicants for apprenticeship and in selecting those who will make good in the trade, mistakes can happen. For this reason, most trades give the apprentice a try-out of from 3 to 6 months. The probationary period for plumbers' apprentices, for example, is the first 500 hours, or 4 months.

d. The Work Schedule on the Job.

To become a competent craftsman the apprentice must learn the basic techniques of the trade and must develop an acceptable degree of skill and proficiency in each of the important branches. The employers and the union in the trade know what it requires to become a skilled craftsman and how long it usually takes to learn the basic operations thoroughly. So they work out a schedule of what the apprentice should learn during the first 6 months, the second 6 months, and so on through the apprenticeship, and write this schedule into the apprenticeship agreement.

This shows the employer what he is to teach the apprentice, and suggests the desirable order. It shows the apprentice what he is expected to learn. It makes possible a periodic check-up on what the apprentice has learned and what and how he is being taught.

e. The Graduated Wage Scale.

From the outset the apprentice receives a wage. The apprentice's wage is figured as a percentage of the skilled worker's wage for the trade and is increased periodically with the apprentice's skill. This graduated wage rate is stated on the written agreement

THE APPRENTICE AND THE SCHOOL

which the apprentice and the employer sign. In this way the apprentice knows what he is to get, the employer what he is to pay.

At the start the apprentice's wage should be at least 25 percent of the going rate for journeymen in the trade. It is raised as his skill grows and as he can do more work, until it is something like 75 or 80 percent of the journeyman's wage at the end of the apprenticeship. Throughout the apprenticeship it should average 50 percent of the journeyman's wage.

The graduated wage scale safeguards the apprentice's future as well as his term of apprenticeship. It sets up standards of wages for the trade that protect the worker after he has completed his apprenticeship and has become a full-fledged journeyman. Where such wage standards are established in the trade, it is recognized that an unskilled worker without apprentice training cannot easily step in and try to hold a journeyman's job at a lower wage rate.

f. Hours and Conditions of Work.

The written agreement stipulates the apprentice's hours and conditions of work. These conform to the accepted standards for the trade. The apprentice is not imposed upon by a longer working day or week than those of regular workers; nor is he singled out for special attention or easier conditions than generally prevail in the trade.

In the written agreement the apprentice's hours of school attendance are generally included in his working day or week, particularly if the workweek is more than 40 hours.

The written agreement usually contains also the standards of safe practice, proper machine guarding,

THE APPRENTICE AND THE SCHOOL

sanitation, and protection against occupational disease that are accepted by the trade.

g. Appeal to a Third Party.

If the employer feels that the apprentice is not proving satisfactory, or if the apprentice feels that he is not getting proper training or rounded experience, or that the employer is not living up to his part of the agreement, either side may place his case before the local joint trade apprenticeship committee. Whenever it is impossible to adjust the difficulty in this way, the matter is brought before the State Apprenticeship Council. This right of appeal helps to keep both sides to their agreement.

What the Apprentice Asks of the School

The apprentice asks the school for information that will help him directly at each step in learning his trade. Each trade has its own skills, and the related school instruction for a trade must give the mathematics, the science, the drawing, the materials on safety and hygiene, and the other basic information required by that trade. The school representative can only point such instruction to the needs of a trade—and keep it so pointed—by finding out from the workers and the employers in that trade what those needs are. Since the techniques of a trade are constantly changing, the school representatives must remain in contact with worker and employer members of the trade continuously.

a. Mathematics and Related Science.

The apprentice wants mathematics, physics, and chemistry adapted to his own trade. For example, the apprentice in the building trades needs mathematics and physics and entirely different class work

THE APPRENTICE AND THE SCHOOL

than the barber or beauty-shop apprentice must have. The latter should take special courses in chemistry and hygiene. The plumber's apprentice needs a good working knowledge of sanitation and of elementary sanitary engineering.

b. Shop Sketching and Blue-Print Reading.

The apprentice in the machine and in the construction trades wants shop sketching and blue-print reading. His class work should deal with the same problems that he meets in the shop.

c. Materials of the Trade.

The school can teach the apprentice about the materials of his trade, their properties and their uses. The machinist's apprentice expects to learn much about metals that he does not find out in the shop; the prospective leather worker about hides and tanning processes; the building trades' apprentice about different kinds of building materials and how they may be used. The skilled craftsman understands these materials through training and through long experience. Some of his knowledge he can impart on the floor of the shop; but some of it takes more systematic explanation and more careful study than shop time allows. This systematic study may best be directed by the school.

d. General Understanding of the Trade.

Around the shop the apprentice picks up general information about his trade—its background and history. But he wants more than he can pick up from the men in the shop, and he expects to get it in school. He also wants to see his trade's position in world production and commerce—where the raw materials come from and where the products are shipped. He is

THE APPRENTICE AND THE SCHOOL

deeply concerned over the outlook for his trade, especially the possibilities of employment at good wages.

The apprentice wants information from the school to supplement the rule-of-thumb instruction he receives in the shop about the dangers of accident and of disease in the trade and how to avoid them. He needs to follow up in the school what he picks up in the shop about the laws under which the industry operates and about the labor laws which concern his trade. He should gain some general understanding of industry and of what is happening in industry, so that he can better meet the changes that are bound to come in his lifetime.

e. Shop Practice.

The apprentice may also want from the school certain shop practices to supplement what he learns on the job. In some trades there are processes which cannot be taught adequately on the job, because a person who is not thoroughly skilled may spoil expensive material, may damage fine tools or complicated equipment, or may injure himself.

The plumbing apprentice who is to learn welding, for example, may be taught in the school shop to handle the torch and to use various types of rods. The plasterer's apprentice may learn to make templates and to run moldings of a type which he could hardly handle on a real job. The school shop may have some special equipment which the employer to whom the boy is apprenticed does not have. Where the apprentice takes such shop practice in school, it must be under the direction of a skilled trade teacher; and it must be followed by ample experience on the job.

THE APPRENTICE AND THE SCHOOL

f. Understanding for Citizenship.

One of the goals of apprenticeship has always been to prepare workers for responsible citizenship in their own communities. Some of this preparation the apprentice acquires in the shop, through a union or through other organizations. Some of the information must come through the school. That information must meet the demands of persons who are working every day, shoulder to shoulder, with practical men and who are about ready to vote or are already voters.

What Apprenticeship Brings to the School

In making these heavy demands upon the school, the apprenticeship program may help the school to solve some of its own problems of occupational training.

a. Bringing Reality into the Classroom.

Meeting the apprentice's need for specific related school instruction requires of the school class work which meets the practical trade requirements. Where the school is able to adapt its class work to meet the practical needs of apprenticeship, it has gone a long way toward meeting the same sort of needs for all pupils in the vocational education classes. Through teaching the apprentice, the school can see more clearly what a young person can learn in school and what he must learn on the job. It can see, also, how the young person learns on the job—and under what conditions—when the learning is supervised by local joint trade apprenticeship committees representative of management and of labor and is checked by shop practice and by shop standards of production.

b. The School and the Local Joint Trade Apprenticeship Committee.

The school benefits, also, because vocational education representatives serve as consultants to the local

THE APPRENTICE AND THE SCHOOL

joint trade apprenticeship committees. It has the advantage of the cooperation and the judgment of the two groups—management and labor—who are most thoroughly acquainted with and most vitally interested in the results of the preparation for their trade. Their close and continual observation of the results of the apprentice's progress is a kind of check upon the school work which the educator rarely gets—a check by mature minds in position to judge results by practical standards.

c. Joint Relationships.

Through representation on the local joint trade apprenticeship committee—along with management, labor, and the labor department—the school authorities are drawn into active participation in an important community service. This is helpful to the school in meeting its growing task of serving the educational needs of a democracy under increasingly complex conditions of working and of living.

The division of responsibility between the school authorities and the labor departments for the conduct of a modern apprenticeship program may be illustrated by a joint statement issued by the Secretary of Labor of the United States and the Assistant Commissioner of Education for Vocational Education.

There are two distinct groups of responsibilities and functions in the promotion and subsequent operation of plans for apprentice training. One group deals with the apprentice as an *employed worker*—the conditions under which he works, his hours of work, his rates of pay, the length of his learning period, and the ratio of apprentices to journeymen so that overcrowding or shortage of skilled workers in the trades may be avoided in large part. The second group of responsibilities deals with the apprentice as *student*—the related technical and supplemental instruction needed

THE APPRENTICE AND THE SCHOOL

to make him a proficient worker and the supervision and coordination of this instruction with his job experience. . . .

It has been amply demonstrated that the responsibilities in connection with the apprentice as an *employed worker* can best be carried on by the State Labor Department and that the responsibilities in connection with the apprentice as a *student* can best be performed by the State Board for Vocational Education. These State agencies in turn look to the United States Department of Labor and to the United States Office of Education for leadership in their respective fields. . . .

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